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OFFICIAL REPORT
(HANSARD)

Thursday, November 22, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, November 22, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

MR. WILLIE O'REE

FIFTIETH ANNIVERSARY OF FIRST BLACK HOCKEY PLAYER TO PLAY IN NATIONAL HOCKEY LEAGUE

Hon. Donald H. Oliver: Honourable senators, I would like to call your attention to the upcoming fiftieth anniversary of the first professional Black hockey player to play in the National Hockey League, the NHL. On January 18, 1958, Mr. Willie O'Ree, a native of Fredericton, New Brunswick, suited up for the Boston Bruins at the old Montreal Forum and stepped onto the ice to make history. Sometimes called the "Jackie Robinson of hockey," Willie O'Ree made hockey the last of the big four professional sports in North America to become racially integrated, joining baseball, basketball and football.

Willie only played two games that year, but was back in 1961 to play 43 games, scoring four goals and adding 10 assists. When he was sent back down to the minor leagues, specifically the Western Hockey League, WHL, which operated between 1952 and 1974, he was not discouraged from playing. Willie went on to win two scoring titles between 1961 and 1974, scoring 30 or more goals four times with a high of 38 goals twice in both the 1964-65 and 1968-69 seasons.

• (1335)

The rest of Willie's career would be spent as a professional hockey player in the minors. He would continue playing with the WHL's Los Angeles Blades and the San Diego Gulls. The latter team retired his number, which now hangs from the rafters at the San Diego Sports Arena. Willie played professional hockey until the age of 43.

Thanks to Willie O'Ree, hockey is no longer a segregated sport. Currently he is the director of the diversity task force for the NHL which designates outreach programs for recruiting visible minorities into the game of hockey. His ongoing commitment to diversity in hockey is one of the reasons there are several talented Black hockey players in the NHL, such as Canadian Olympian Jarome Iginla, captain of the Calgary Flames who, by the way, is the first Black captain in the NHL; Ottawa Senators goalie Ray Emery; Anson Carter; Kevin Weekes; and Georges Laraque, to name a few.

Honourable senators, equality in sports has come a long way thanks to role models like Willie O'Ree who took the important first step to break down barriers. The official NHL ceremonies commemorating Willie O'Ree as the first Black hockey player will take place on January 18, 2008, at the Boston Gardens.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Hon. Sharon Carstairs: Honourable senators, the United Nations has proclaimed November 25 to be the International Day for the Elimination of Violence against Women.

The date of November 25, which has been marked each year since 1991, was not chosen randomly. It is the anniversary of the date in 1961 when the Mirabel sisters, three politically active women in the Dominican Republic, were assassinated.

However, today I wish to put this day into a larger context, that of human rights. The United Nations Universal Declaration of Human Rights states:

> All human beings are born free and equal in dignity and rights.

Violence against women removes these rights and invades the dignity of women. Some estimates say that one woman out of three in the world has been beaten, coerced or otherwise abused. This makes violence against women perhaps the most widespread violation of human rights in the entire world.

In recognition of the link between human rights and violence against women, November 25 is also the kickoff of the 16 days of activism against gender violence. This campaign starts each year on November 25 and continues until December 10, which is International Human Rights Day. The theme of the 16 days this year is "Demanding Implementation, Challenging Obstacles: End Violence against Women."

This theme represents a call to action, saying that we know what the problem is, and we know some of what is required to address the problem. If we are serious about our commitment to human rights, we must take action to end violence against women.

NORTHWEST TERRITORIES

ALLOCATION OF TEN MILLION HECTARES AS PROTECTED LAND

Hon. Ethel Cochrane: Honourable senators, yesterday the Harper government announced the protection of over 10 million hectares of land in the Northwest Territories. This commitment will permanently protect precious ecological and cultural gems in the North for the enjoyment of generations to come. It marks a major step in the process of creating a national park in the east arm of Great Slave Lake and a national wildlife area for the Ramparts River and the wetlands.

Honourable senators, this announcement is being hailed by environmentalists. They credit the government of Canada and the First Nations for their vision and commitment.

Lorne Johnson of WWF-Canada said:

> The announcement by the federal government amounts to the largest land withdrawal for interim protection in Canadian history.

He added:

> This is a great example of sequencing conservation first, up front in the development process, while we still have a chance to protect the North's lands and waters.

Larry Innes, from the Canadian Boreal Initiative explained:

> Canada is taking the lead internationally when it comes to making balanced decisions about protecting and preserving land for future generations.

Harvey Locke, senior adviser to the Canadian Parks and Wilderness Society said:

> There's been a lot of talk, but these guys are delivering. It's super-cool to have them move from possibilities into action.

• (1340)

Honourable senators, we have a government that has shown leadership on the North and on conservation issues, among others. Our government has proven, time and again, that it is willing to take strong action on the environment — actions that produce real results.

In the last year this government has significantly expanded the Nahanni National Park Reserve and I know my friend from the Yukon who has just recently retired will be very happy. Also created was the Lake Superior National Marine Conservation Area. It invested $30 million to protect the Great Bear Rainforest in B.C., $3 million to restore Stanley Park in Vancouver — a beautiful area — and Point Pleasant Park in Halifax, and another $225 million for the Nature Conservancy of Canada to preserve and conserve hundreds of thousands of acres of land across this great country.

I commend the federal and territorial governments, as well as the First Nations, for working together to reach this remarkable achievement on behalf of all of us.

NEW BRUNSWICK

VISIT BY AMBASSADOR OF REPUBLIC OF CUBA

Hon. Pierrette Ringuette: Honourable senators, I am pleased to inform you that I was honoured to host, last September 12, 13 and 14, in my home area of northwest New Brunswick distinguished visitors, His Excellency Ernesto Senti Darias, Ambassador of the Republic of Cuba, and his wife Señora Margarita Valle.

During their visit, the ambassador and his wife had the opportunity to meet with provincial cabinet ministers, members of the business community and seed potato growers. They also visited towns, farms and industries, including McCain Foods in Grand Falls and the Irving sawmill in St-Léonard. All in all, I drove the ambassador and his wife over 2,200 kilometres in four days.

Seed potato growers in the Grand Falls region have been exporting their products to Cuba since the 1950s, and have forged important economic links, which we must do more to develop. Cuba imports over $4 million worth of seed potatoes every year from our farmers in New Brunswick, making it their second biggest market after the United States.

[*Translation*]

Cuba's economy is growing steadily, in terms of both the tourism industry and infrastructure. In the next five years, the Cuban government plans to invest in residential and infrastructure construction, which will create a huge need for natural and forest resources.

[*English*]

I am delighted that the ambassador and his wife accepted my invitation, because Cuba is an important trading partner. Our New Brunswick exports to Cuba have increased in recent years, and I want that situation to continue. This visit was an excellent opportunity to improve trade relations between Cuba and our region, and also to help our respective rural economies develop further.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Hon. Elizabeth Hubley: Honourable senators, in 1999, the United Nations designated November 25 each year as the International Day for the Elimination of Violence Against Women. On this day we are encouraged to raise public awareness of the problem of violence against women. Violence against women exists in every country around the world, is perpetrated at home and in public, and by both family members and strangers. It is a pervasive violation of human rights and impedes women's opportunities to achieve legal, social, political and economic equality in society.

In 2006 the United Nations prepared an in-depth study on all forms of violence against women and reported that 89 states currently have some legislative provisions on domestic violence against women, including 60 states with specific domestic violence laws.

This is an improvement over 2003, when only 45 countries had specific domestic violence laws. However, much of the world still does not have the legal and constitutional framework to protect women against violence; others do not have the political and social will to confront the problem. Even in countries such as Canada, the problem remains widespread and our efforts to eliminate gender violence must continue. As the UN study on violence against women states, "As long as violence against women continues, we cannot claim to be making real progress towards equality, development and peace."

• (1345)

4-H CLUB

Hon. Catherine S. Callbeck: Honourable senators, rural Canada is the backbone of this country and the agricultural industry is an important part of these rural areas. Building the next generation of farmers is essential to maintaining that tradition. The 4-H Clubs across this country are doing that.

Honourable senators, 4-H, which is now celebrating its national awareness month, is a youth organization that helps to develop leadership qualities and other life skills while also promoting agricultural awareness. Currently, there are about 30,000 4-H members across the country with over 9,000 leaders.

Their motto is: "Learn to do by doing." That is exactly what 4-H members do. Through public speaking, demonstrations, competitions, livestock rearing, and many other diverse programs, 4-H members are learning to become good agricultural stewards and community leaders, as well as gaining skills that will benefit them and their communities for the rest of their lives.

Last spring, the Standing Senate Committee on Agriculture and Forestry had the pleasure of hearing from Ms. Marie Logan, former President of the Canadian 4-H Council and current Vice-chair, as part of our ongoing study on rural poverty. Ms. Logan shared with us her personal experiences with 4-H and outlined the good work its members and leaders are doing across the country. In fact, Ms. Logan shared with us the results of a recent Ipsos-Reid survey which showed that 4-H members are achievers who typically go on to post-secondary education. The survey also found that many become leaders and give much back to their communities.

I know from my personal experience that that is the case in my home province of Prince Edward Island. The 4-H Club on the Island has more than 650 members, 350 leaders and 28 clubs across the province. The year 2008 will mark 4-H's ninetieth anniversary on Prince Edward Island.

Honourable senators, 4-H helps to develop leaders for our rural communities. I take this opportunity to recognize this organization's contribution to the youth of rural Canada and wish them the very best in continuing their worthwhile activities.

[*Translation*]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, November 22, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to table its

SECOND REPORT

Your committee, to which was referred Bill S-203, An Act to amend the Criminal Code (cruelty to animals), has, in obedience to the Order of Reference of Tuesday, November 13, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bryden, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

[*English*]

NATIONAL PEACEKEEPERS' DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-287, An Act respecting a National Peacekeepers' Day.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.

STUDY ON MATTERS RELATING TO AFRICA

NOTICE OF MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST GOVERNMENT RESPONSE

Hon. Peter A. Stollery: Honourable senators, I give notice that, two days hence, I will move:

That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, during the First Session of the Thirty-ninth Parliament, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.

[*Translation*]

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

REVIEW OF CANADA'S DEVELOPMENT COOPERATION PROGRAM—NOTICE OF INQUIRY

Hon. Pierre de Bané: Honourable senators, I give notice that two days hence:

> I will call the attention of the Senate to the review of Canada's development cooperation program published by the Organization for Economic Cooperation and Development on October 19, 2007.

[*English*]

QUESTION PERIOD

JUSTICE

CLEMENCY FOR CANADIANS FACING DEATH PENALTY IN FOREIGN COUNTRIES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on November 20, Peter O'Neil, in a CanWest News Service article wrote:

> The Council of Europe, the continent's top human rights watchdog, denounced the government for its decision to stop seeking clemency for Canadians on death row in American jails.

Peter O'Neill, quotes the council's Secretary General, Terry Davies, as saying,

But to execute him is degrading. It's reducing authorities to the same level as people who kill people. Killing people is wrong. . . .

Mr. Davies goes on to say:

I am just amazed that the Canadian government would wash its hands, just like Pontius Pilate.

Why is the government allowing a foreign nation to inflict on Canadians a punishment that was abolished in this country 31 years ago? Why is this government legitimizing a practice that exists practically nowhere else in the Western world, other than in a few states in the U.S.?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I read a column on this matter this morning comparing this to the case of Pontius Pilate. I have not read *The Bible* since I was a child, but in my reading of *The Bible* I understood that Jesus was an innocent person who was betrayed by Pontius Pilate. The gentleman in question has murdered two people in the United States.

• (1355)

In this case the individual in question murdered two innocent people and left many victims of his serious crimes. The government felt that it would send the wrong message to people in this country, that there are no consequences for serious crimes committed in other democratic countries. However, the government also made it clear that there is no death penalty in Canada, and there are no plans to return the death penalty. We are dealing with a person who has been in the U.S. judicial system for many years, and we must not forget that he murdered two people.

[*Translation*]

Senator Tardif: Honourable senators, once again, the government is trying to have it both ways. On the one hand, it is turning its back on Canada's traditional position by letting Ronald Smith be executed in the United States. On the other hand, the Canadian government is bringing out the big guns to repatriate Michael Kapoustin, a millionaire businessman who has only a few years left to serve in Bulgaria. How can the Leader of the Government in the Senate justify this double standard?

[*English*]

Senator LeBreton: In the case of the gentleman in the Bulgarian jail, Minister Nicholson has said that we do look at each of these cases individually. One cannot compare the two. As I said before, Mr. Smith committed these criminal acts in the United States, fully aware of the laws of that country.

As the minister and the Prime Minister stated, the laws in this country will not change. The laws against capital punishment in this country will stand; but at the same time, the actions of Mr. Smith cannot allow the public to lose faith in our system in respect of the heinous acts he committed. This is a sad case especially relating to the victims of this double murder.

Hon. Joan Fraser: Honourable senators, no one is suggesting that the heinous nature of these crimes should be ignored. The suggestion is that instead of being put to death, killed, Mr. Smith should serve a life sentence in prison. What is wrong with that? In Canada we consider that the appropriate punishment for murder.

Senator LeBreton: Honourable senators, Mr. Smith has been in prison in the United States for quite some time. We are dealing with serious criminal acts in this country and have brought in some new tough law-and-order legislation. I believe that bringing Mr. Smith back to Canada, after all this time, would send the message that we are not serious about dealing with these terrible crimes.

YOUTH CRIMINAL JUSTICE ACT

Hon. Sharon Carstairs: Honourable senators, my question is for the Leader of the Government in the Senate. On Monday, while watching "Politics" on CBC, the Conservative spokesperson referred to amendments to the Youth Criminal Justice Act as having two purposes: deterrence and denigration.

All honourable senators will have an idea of what deterrence means, even though all the research tells us that it does not work for young persons because they live in the now with no

understanding of future consequences, particularly those who suffer from fetal alcohol syndrome, which makes up the largest category of young offenders in this country.

I ask the honourable minister: What is meant by "denigration"?

• (1400)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did not see that particular news broadcast; I am not a regular viewer of the CBC. However, I do not know who would use the word "denigration." The government is committed to responding to the problems in the youth criminal justice system; everyone in this country knows we have a huge problem. I do not require lessons from Senator Carstairs because, in my own case —

Some Hon. Senators: Oh, oh!

Senator LeBreton: The young man who killed my daughter and grandson was a young offender when he was first convicted.

Our bill seeks to amend the Youth Criminal Justice Act, to allow courts to consider deterrence and denunciation as objectives of youth sentences. I do not believe the word "denigration" was used; I think it is "denunciation."

The bill also proposes to change the current pre-trial detention provision in the Youth Criminal Justice Act, making it easier to detain youths in custody prior to trial if the youth poses a risk to public safety. Nova Scotia's Minister of Justice, Cecil Clark, has called upon all MPs and senators to support the proposed amendments. I hope the opposition will work with the government on this matter. In the last couple of months in Nova Scotia, there have been horrendous crimes committed by youths against other youths. No one wants this to continue.

Senator Carstairs: The honourable senator indicates that the word may have been "denunciation." I heard "denigration," but even if it is "denunciation," I am still confused. I do not know what it means to denounce a young person. Can the honourable senator give me some specific examples of what a judge would do to denounce a young person?

Senator LeBreton: Honourable senators, I cannot speak to how a judge or someone in the criminal justice system would interpret "denunciation." As a society, I believe that all of us would want to speak loudly and clearly against criminal acts committed by young people. As part of my portfolio as the Secretary of State for Seniors, I hear a great deal in regard to the issue of youth crimes, and seniors' fears of home invasion or being swarmed on the streets. This is a serious problem, and we all recognize its severity. The situation has persisted for far too long, and the government is taking the right steps to address it. This country is lined with the victims of these young people. Therefore, let us try to deal with their crimes so they do not victimize more people.

Senator Carstairs: Honourable senators, I cannot understand a government that introduces a bill which says it has two purposes: That it will introduce deterrence and, according to the minister's word, "denounce" young persons. The honourable senator does not know what the word means. Are we going to return to the 18th century to put people in stocks and throw rotten vegetables at them? Will we propose that adulterers go around with red letters on them or that people get "I am a young offender" branded on their forehead? Is that the kind of thing that the honourable senator means by "denunciation?"

• (1405)

Senator LeBreton: Honourable senators, Senator Carstairs missed her calling — she should have been a Shakespearean pit theatre actress.

During the last election, the Conservatives committed to legislative changes to the Youth Criminal Justice Act. Minister Nicholson announced last month that in 2008 there will be a comprehensive review of the Youth Criminal Justice Act to address concerns and criticisms regarding the various provisions and principles of the act. Obviously, there is much work to do. We have only to read the newspapers every day to know that serious crimes are being committed by young people. By and large, young people are great citizens, but why should they be victimized by other young people? Surely, it is reasonable to expect young offenders to be dealt with appropriately in this society.

FISHERIES AND OCEANS

PEGGY'S COVE LIGHTHOUSE

Hon. Pat Carney: Honourable senators, my question is to the Leader of the Government in the Senate. Hurricane Noel blew out the lights at the historic lighthouse at Peggy's Cove, which was established in 1868 and is the most photographed lighthouse in the world. It is also an operating lighthouse for marine traffic. It is the understanding of the Nova Scotia Lighthouse Preservation Society that a large portion of the concrete walkway to the lighthouse, which contained the power cables feeding the lighthouse, was destroyed along with the other damage that occurred. The society understands that a solar-powered light has been installed to show a light from the location, but it is a much weaker beam for the maritime community to locate.

The leader may laugh, but if you are out at sea in a storm on the Atlantic off Peggy's Cove, you care about the quality of the marine safety measures.

It is not known at this time what plans are being made to restore electricity permanently to the lighthouse or when the trademark green Fresnel lens will once again show a light from this historic lighthouse.

Would the Leader of the Government tell the chamber when the Department of Fisheries and Oceans will restore the light to its normal level of operation, to the benefit of both the tourist trade of Nova Scotia and the maritime community?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Carney for the question. Before she goes off the deep end over my comment, I was smiling only because Senator Tkachuk made a comment about the solar-powered light being environmentally friendly.

Senator Tkachuk: It was supportive of the honourable senator.

Senator LeBreton: The issue raised by the honourable senator is a serious one; I am well aware of the damage done by the remnants of Hurricane Noel. I saw pictures of the damage — as well as photos of people foolish enough to be out on the rocks at Peggy's Cove and the police trying to get them off because their lives were in danger. I know the roads leading to Peggy's Cove were completely torn up and that the driveway for the gift shop and cafe, which I am sure most of us have visited, has been totally destroyed.

As to when the power will be restored, I would imagine the Government of Nova Scotia is concerned as well. I shall have to take Senator Carney's question as notice.

Senator Carney: On a supplementary, perhaps people were on the rocks because Canada Post operates a post office in Peggy's Cove for the community.

Senator LeBreton: How stupid is that?

Senator Carney: How stupid is it to have a post office?

Senator LeBreton: No, to be on the rocks in a storm.

Senator Carney: Maybe the leader could make her comments in reply to my question. Canada Post does operate a post office in the lower level of the lighthouse at Peggy's Cove — and this facility obviously cannot operate without electricity. Certainly, it cannot be powered by a small solar light.

• (1410)

DFO has no statutory mandate to repair the Peggy's Cove lighthouse. DFO can walk away and leave the lighthouse to rot on the rocks in its usual way of dealing with lighthouses, which is demolition by neglect.

I am again asking the minister to ensure that steps are taken to restore Peggy's Cove to its normal functioning state of maritime safety.

Senator LeBreton: Honourable senators, I could not see the connection between people were putting their lives in danger by being on the rocks when those waves were crashing in and the fact that there is a post office at Peggy's Cove. I do not see the connection, but I shall take the question as notice.

PRIME MINISTER

REQUEST FOR FIRST MINISTERS CONFERENCE

Hon. James S. Cowan: Honourable senators, my question is directed to the Leader of the Government in the Senate. This government, which until recently styled itself as "Canada's new government," has now been in office for almost two years — two years too long.

The government brags that the election brought about a new era in federal-provincial relations. Mr. Flaherty, in his March 2007 budget speech, said the following:

> The long, tiring, unproductive era of bickering between the provincial and federal governments is over.

Yet, during that period of two years, this Prime Minister has not held one single meeting with his fellow first ministers, despite repeated requests from a number of provincial premiers. Most recently, last week, the Premier of Quebec, as Chair of the Council of the Federation, wrote to the Prime Minister requesting an early meeting of first ministers to discuss the impact of the rising Canadian dollar on Canadian manufacturers and resource industries.

Will the Leader of the Government in the Senate urge the Prime Minister to respond favourably to Premier Charest's request and to treat the provinces and territories with the respect they deserve? After all, this is a federation, not a dictatorship.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is not true that the Prime Minister has not met with the premiers since he became Prime Minister. Over the fall, the Prime Minister and the premiers have held discussions regarding potential times for a meeting. Events intervened, however — for example, several elections in several provinces.

The Prime Minister has stated that he and his office are working with the offices of the various premiers to try to set a date as soon as possible — either just before or just after Christmas.

Senator Cowan: Honourable senators, I take it from the honourable leader's answer that the Prime Minister is committed to an early meeting of the first ministers; is that correct?

Senator LeBreton: The honourable senator does not have to take my word for it; he can take the Prime Minister's word. He has said so publicly several times.

DEMOCRATIC REFORM

BILL C-22—REPRESENTATION FOR ONTARIO

Hon. Art Eggleton: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with Bill C-22, which is intended to recognize the growing populations in Alberta, British Columbia and Ontario and provide for more seats in the other place.

Under this bill, Alberta will get five more seats, British Columbia will get seven— very appropriate — and Ontario will get 10 seats, notwithstanding that population growth in Ontario has exceeded that. If passed, B.C. and Alberta will have an MP for every 105,000 people whereas Ontario will have an MP for every 115,000 people.

The Premier of Ontario has said that he finds this situation to be unacceptable. He said — and I quote: "I am not looking for any special treatment; I am just looking for the same treatment."

Why is Ontario not getting the same treatment? Why are we not recognizing representation by population for Ontario, as we are for the other provinces?

• (1415)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. The government has proposed a formula in this bill that was tabled in the other place that will vastly improve Ontario's representation, but we also believe that the bill strikes the right balance between fair levels of representation for the smaller provinces and the principle of representation by population in the larger provinces.

It is interesting that the honourable senator would raise concerns on the matter of democratic reform, the bill that we have tabled in the House of Commons, when we had a minor bill relating to democratic reform in this place that could not get through.

The number of seats in Ontario is increasing quite dramatically, and we were trying to strike a fair balance between Ontario and its growing population, and the growing populations of British Columbia and Alberta, while recognizing the constitutional base for representation for Quebec and also respecting the proportionally smaller ridings in other parts of the country.

Senator Eggleton: Honourable senators, the problem is that the system is not fair. The other place is intended to be based on representation by population. In fact, in this place we have the opportunity to look at regional representation in a different way, which is a good thing. However, that is not what that other place is all about.

I am disturbed by some of the dialogue that is being used. To pick up on Senator Cowan's words, the Minister of Finance said in the budget speech: "Mr. Speaker, the long, tiring, unproductive era of bickering between the provincial and federal governments is over." However, yesterday, Minister Van Loan called Premier McGuinty "the small man of Confederation." Is this an acceptable form of behaviour for a federal cabinet minister? In the last election, the Conservative slogan was "stand up for Canada." Will the Leader of the Government in the Senate stand up for her home province of Ontario and ensure that it gets proper representation?

Senator LeBreton: Honourable senators, that is why in my answer I said we were trying to strike a fair balance, because if we had true representation by population, many parts of this country would be facing a diminished number of seats. We recognize the population growth in British Columbia, which is under-represented not only in the House of Commons, but also in this chamber, and the same could be said for Alberta.

In terms of ministers of the government criticizing the Premier of Ontario, I could cite things that were said by the ministers of the previous government against the Premier of Ontario, people such as Mr. McCallum and Mr. Godfrey. Mr. McCallum even said that Ontario's traditional "Canada first" attitude was being challenged by the Premier of Ontario. Although he was critical of the then Premier of Ontario, I guess that was all right because he is a Liberal.

Hon. Grant Mitchell: Honourable senators, given that this leader is a member of a government that characterized Premier McGuinty as "the small man of Confederation," would she, in light of the fact that Prime Minister Harper wrote about firewalls around Alberta, characterize the Prime Minister as the smallest man of Confederation?

Senator LeBreton: Honourable senators, I do not think that is a great question for the honourable senator to ask me, when we are talking about big or small.

Senator Mitchell: Honourable senators, you know you have it when she comes back with personal insults.

THE RIGHT HONOURABLE BRIAN MULRONEY

SETTLEMENT WITH FEDERAL GOVERNMENT

Hon. Grant Mitchell: Honourable senators, my question relates to the Mulroney-Schreiber-Harper cover-up. In spite of what is clearly becoming a concerted cover-up, we found out yesterday why Mr. Mulroney took the $300,000, probably in a brown paper bag. The fact is, believe it or not, that it was to meet certain lifestyle expectations. To think that some of us actually thought the Conservatives did not care about poverty in this country.

• (1420)

However, in addition to the $300,000 that he got that way, he also got a bonus from the Canadian taxpayer of $2.1 million because — it is becoming increasingly clear — he was not entirely forthcoming under oath.

In fact, there is a serious question, as alluded to by some of my colleagues, that he may well have lied under oath. Could the minister —

Senator Comeau: Say that outside the house!

Some Hon. Senators: Oh, oh!

Senator Mitchell: Schoolyard bullies. It has got to be contagious, because that is what they talk about, "Let's go outside and have a fight." It would be nice for the Prime Minister of this country to take the stand, under oath, to find out what he knew about these things, and maybe some other people in their caucus as well.

However, my question is: Why is it that the investigation —

Senator Tkachuk: Name names!

Senator Mitchell: Why is it that the —

Senator Tkachuk: Name names!

Senator Mitchell: Why is it that the investigation by Mr. Nicholson's department into the $2.1-million issue was stopped? Was it part of a cover-up by Mr. Nicholson, or was it part of a cover-up directed by the Prime Minister's Office?

Senator Comeau: Take that outside the house if you have any courage.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I think the senator is reading too many political fiction books.

As I have said in this place over and over again when I answered the first question before the Remembrance Week break, this $300,000, which has been known about for over four years — by Prime Minister Chrétien and by Prime Minister Martin — obviously, if there was some criminal act that they believed took place they could have had the matter investigated. For all intents and purposes, this was a private negotiation between Mr. Mulroney and Mr. Schreiber that took place after Mr. Mulroney left the Prime Minister's Office.

What changed was a week ago Thursday, when there was a new affidavit sworn that implicated the Office of the Prime Minister and that is when the Prime Minister said he would seek the advice of an independent third party. That was the proper course of action because of all the innuendo, allegations and insults that have been flying around this place. Obviously a person of Professor Johnston's integrity and calibre was required to handle the matter.

With regard to the question about the $2.1 million that was paid, which was actually a court-arbitrated order to the government by Mr. Justice Gold to pay Mr. Mulroney's expenses and legal fees, as the Prime Minister stated in answer to a question, all aspects of this matter will be considered once the Prime Minister has received advice from Dr. Johnston as well as the terms of reference on which Dr. Johnston will advise the government for the public inquiry.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on October 30, 2007, by Senator Carney regarding Foreign Affairs, licences issued for removal of bulk water.

FOREIGN AFFAIRS

LICENCES ISSUED FOR REMOVAL OF BULK WATER

(*Response to question raised by Hon. Pat Carney on October 30, 2007*)

The International Boundary Waters Treaty Act (IBWTA) does not allow the Minister of Foreign Affairs to license bulk water removals from the Great Lakes or any other Canadian boundary basin.

The 2002 amendments to the IBWTA introduced a statutory prohibition on bulk water removals from boundary basins. That prohibition is intended to protect boundary water ecosystems, and was driven by concerns in the 1990s about possible bulk exports of water from the Great Lakes.

Section 13.(1) of the IBWTA declares that "no person shall use or divert boundary waters by removing water from the boundary waters and taking it outside the water basin in which the boundary waters are located."

In addition to introducing the prohibition on bulk water removals, the amendments in 2002 also created a licencing system for in-basin projects.

Under the *Boundary Waters Treaty* of 1909, projects such as dams and bridges that could affect the level or flow of boundary waters on the other side of the border have always required approval from the International Joint Commission (IJC). However, because of the independent nature of the IJC, the legal status of those orders of approval for the purpose of enforcement was unclear.

The 2002 amendments to the IBWTA with respect to licenses gave the Minister of Foreign Affairs licencing authority parallel to the IJC orders of approval process. These amendments resolved any ambiguity about the matter of enforcement on in-basin projects which affect the level or flow of boundary waters on the other side of the border. However, this is a separate and distinct issue from the prohibition on bulk water removals.

Specifically, the licencing powers of the minister do not pertain to nor create any capacity to licence bulk water removals from boundary basins — something that is expressly prohibited by the statute.

Accordingly, no ministerial licences under the IBWTA have been, nor could be, issued for bulk water removals.

[*English*]

ORDERS OF THE DAY

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gustafson, seconded by the Honourable Senator Angus, for the second reading Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Hon. Tommy Banks: Honourable senators, did I hear Senator Comeau say he wished to take adjournment?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes.

Senator Banks: I just wanted to be sure. I hope that we will move this bill for study to the committee, as was expressed by its sponsor and its co-sponsor, but I just want to place on the record, in a neater way than I have before, three concerns that I hope will be addressed by the committee. When the committee is considering this bill it will obviously be taking into account the agreement to which this bill refers.

• (1425)

Hon. Claudette Tardif (Deputy Leader of the Opposition): On a point of order, I want to assure myself that we will be leaving the 45 minutes, and time for the second speaker on our side, Senator Watt.

Senator Comeau: Agreed.

Senator Tardif: Please go ahead, but Senator Banks will not be considered the second speaker.

Senator LeBreton: He has 15 minutes.

Senator Banks: Thank you for reminding me.

When the committee is considering the agreement which is given effect by this bill, I hope the committee will take into account three things: First, whether the Province of Quebec, which is affected by this agreement, has consented to it or is party to it; second, that the same thing is true of the Province of Newfoundland and Labrador; and third, that the question of the extinguishment of rights and the constitutionality of doing so is properly addressed in the agreement and in the bill which will give it effect.

I wanted to place that on the record to be sure that the committee considers those things. I know they would anyway, but I thank honourable senators for your indulgence and for reminding me that Senator Watt has the 45 minutes. I believe this item will be adjourned in the name of Senator Comeau.

The Hon. the Speaker: Is that agreed?

Senator Tardif: I propose the adjournment.

The Hon. the Speaker: The understanding is government business has to be — the adjournment was being taken by Senator Comeau. Did I understand that correctly?

Senator LeBreton: Yes

The Hon. the Speaker: There was an earlier motion by Senator Comeau to stand it and then it was yielded to Senator Banks. Senator Banks has made his intervention, not interfering with the 45 minutes that will be the first responder from the opposition. It now stands continued in the name of Senator Comeau.

On motion of Senator Comeau, debate adjourned.

INCOME TAX AMENDMENTS BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government) moved second reading Bill C-10, An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act.

She said: Honourable senators, I very much appreciate the opportunity to speak to Bill C-10 at second reading. As you know, this bill, formerly known as Bill C-33, is being reintroduced following the prorogation of Parliament. This bill proposes measures regarding the taxation of non-resident trusts and foreign investment entities. It also implements certain amendments to the Income Tax Act that are technical in nature and, for the most part, serve to accomplish a number of housekeeping objectives.

Rather than getting into the technical details of Bill C-10, I would like to make a few general remarks about tax fairness, then I will illustrate just how the measures in this bill fit into the commitment by our government to ensure that our tax system is competitive and, above all, fair.

Of course a fair and competitive tax system starts with lower taxes. Canada's government has said all along that Canadians pay too much tax. That is why we took swift and decisive action in our first budget to provide tax relief for all Canadians. Thanks to that effort, the tax bills of Canadians — families, students, workers, seniors and businesses alike — are $26 billion lighter. That represents a significant progress in reducing the tax burden on Canadians, but it is hardly the ends of the story: Far from it, in fact.

As the Minister of Finance has said, taxes are still too high in this country. That is why, in Budget 2007, we built on the significant tax relief of our first budget to help Canadian families and businesses get ahead and stay ahead. Our ultimate goal is to make Canada a global leader in this area by achieving a competitive tax advantage vis-à-vis other nations. We are well on our way to recognizing that objective.

Most recently, in the 2007 economic statement, we are taking bold new steps to build a better Canada. We are reducing taxes further for Canadians and ushering in a new era for Canadian business taxation while further reducing the federal debt.

This economic statement provides almost $60 billion in broad-based tax relief over this year and the next five years. This brings total tax relief provided by this government since coming into office to almost $190 billion over the same period. About three quarters of the tax reductions announced in the economic statement will benefit individual Canadians and their families.

• (1430)

This includes reducing the GST rate to 5 per cent from 6 per cent, effective January 1, 2008. This represents some $6 billion in annual savings for consumers. This builds on last year's reduction from 7 per cent to 6 per cent.

We are also increasing the amount all Canadians can earn without paying federal income tax to $9,600 in 2007 and 2008 and to $10,100 in 2009. We are reducing the lowest personal income tax rate to 15 per cent from 15.5 per cent as of January 1, 2007; it is retroactive to the beginning of the year.

These income tax cuts taken together will deliver relief on spring income tax returns and move some 385,000 people off the income tax rolls at least a year earlier than currently legislated.

The government is also taking action to reduce business taxation in Canada by making corporate income tax reductions that will bring the tax rate down to 15 per cent by 2012 from more than the 22 per cent it is today. These reductions begin with an immediate 1-percentage point reduction in the corporate income tax rate in 2008. In addition, we are proposing to reduce the small business income tax rate to 11 per cent in 2008, one year earlier than scheduled.

With these reductions, Canada's general federal corporate income tax rate will fall by one third between 2007 and 2012, and Canada's corporate income tax rate will become the lowest among the major industrialized economies in 2012.

This action builds on our plan to create a tax advantage for Canada. That plan is called Advantage Canada, our long-term economic plan.

The Advantage Canada plan will eliminate Canada's net debt and reduce taxes even further by providing a tax-back guarantee. This means that, to ensure that Canadians benefit directly from reductions in the federal debt, the government will dedicate the effective interest savings from debt reduction each year to personal income tax reduction. The bill to implement this measure received Royal Assent last spring. Included in that bill is further tax relief for Canadians. For example, there is a $2,000 child tax credit that will provide tax relief to more than 3 million Canadian families. We also increased the spousal and other amounts, a measure that will provide tax relief for a supporting spouse or single taxpayer who is supporting a child or relative.

That same bill implemented the tax fairness plan announced last fall. This plan will restore balance and fairness to our tax system by creating a level playing field between income trusts and corporations.

The plan will also deliver over $1 billion of new tax relief annually to Canadian pensioners. It will significantly enhance the incentives to save and invest for family retirement security by increasing the age amount and allowing pension income splitting.

This represents a major positive change in tax policy for pensioners. It recognizes the special challenges of planning and managing retirement income by providing targeted assistance to pensioners.

Canada's government is also committed to building a business tax advantage, grounded in a tax system that is internationally competitive. As I mentioned earlier, the measures in the 2007 Economic Statement are evidence of that.

In short, this government has taken substantial action to help create the necessary conditions for Canada and Canadians to prosper.

Bill C-10, the bill we are debating here today, complements this action. How does it do that?

As I said at the outset, a fair tax system starts with lower taxes; but there is more to it than that. In a fair tax system, everyone needs to pay their fair share. This helps to assure the lowest possible taxes for all Canadians.

Let me illustrate. Bill C-10 supports this government's goal of promoting fairness in our tax system by preventing tax deferral and avoidance through the use of foreign investment funds and trusts. In other words, if someone tries to avoid taxes by using these investment vehicles, any income earned on that investment will be taxed as if it were earned in Canada.

Responding to concerns raised by the Auditor General, the measures in Bill C-10 will, in effect, eliminate erosion and protect the tax base by levelling the playing field for all investment vehicles, whether Canadian or foreign-based. Most important, this bill enhances the integrity of Canada's tax system. Let me explain how this will work.

Generally speaking, Canada imposes an income tax all of the income from all sources of taxpayers resident in Canada. For non-residents, Canada generally taxes just the Canadian source income. An income tax incentive therefore exists for Canadian residents to earn investment income using non-resident trusts and foreign investment entities based in a country other than Canada that imposes no tax or a low tax. Without effective countermeasures such as those proposed in Bill C-10, these residents can avoid paying Canadian taxes. That creates an unfair situation in our tax system.

As I noted, the effect of the measures proposed in this bill is that investment income earned by non-resident trusts and foreign investment entities on behalf of Canadian residents will be taxed in Canada.

These measures eliminate the tax advantages of using these investment vehicles to avoid or to defer taxes.

These measures also help promote fairness in our tax system by ensuring that everyone pays their fair share. I should point out that the amendments concerning non-resident trusts and foreign investment entities in this bill came about as a result of extensive consultations with taxpayers, professional tax advisers and taxation authorities.

I turn now to the technical amendments. While the measures relating to the taxation of non-resident trusts and foreign investment entities make up the major portion of Bill C-10, this bill also includes a number of technical amendments to the Income Tax Act. Their purpose is to correct or clarify the application of existing income tax provisions or provide legislative authority for measures that have already been announced.

When considering this proposed legislation today, I would ask all honourable senators to keep in mind one of the primary objectives of Bill C-10, and indeed of the Canadian government, and that is to promote fairness in our tax system.

We have already taken significant action in that direction through the proposed tax fairness plan and the anti-tax haven initiative. Bill C-10 reflects the spirit and tenor of these measures. It will tighten the income tax rules relating to foreign investment funds and trusts and work to eliminate the incentive to avoid paying taxes. I said that Canada's government is committed to a fair tax system. This bill will help us meet that objective. Therefore, I ask all honourable senators to give this bill the consideration it deserves and accord it as quick a passage as possible.

On motion of Senator Cowan, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Sharon Carstairs: Honourable senators, this morning I had delivered to my office, as I suspect a number of other senators did as well, a speech that had been prepared by Senator Norman Atkins on comments from the Speech from the Throne and current issues. I contacted Senator Atkins and asked him if he would like me to read his comments into the record; so that, honourable senators, is what I will do this afternoon.

Senator Atkins has said the following:

Good government is good politics, but good politics is not necessarily good government.

It seems to me that the government, while on the right track on many issues, makes some decisions based on potential election gains rather than on what is good for the country and for Canadians. Government that is run for elections is a dangerous game. While the Prime Minister is governing as if he has majority, with the opposition clearly trying to avoid an election, there is an atmosphere of fragility that worries me, because legislation will not necessarily be scrutinized as closely as it should be, especially in the House of Commons.

• (1440)

The Speech from the Throne told Canadians that this government has five priorities: strengthening Canada's sovereignty and place in the world, building a stronger federation, providing effective economic leadership, continuing to fight crime and improving our environment. That is fine, but there are still some main problems we are facing in this country, some of which were raised in previous Speech from the Throne that the government has not addressed. Perhaps it is because they believe Canadians have forgotten the issues.

While I have no quibble with any of these issues that they have highlighted, I am disappointed that some of the key issues that continue to concern Canadians are being ignored. The health care system in this country is still in need of help. I have first-hand knowledge of this because of my experience in the last six months. There is no mention of how the government plans to address the shortage of doctors in the country. Why could the government not introduce some incentives to attract and keep young doctors in Canada? Could there not be some income tax incentives introduced that would make it not only more attractive to stay in the country but even more so if they settled in our remote areas? What about finding a method that allows more students to enter medical training in Canada? There are far too many Canadians who do not have a family doctor and are forced to deal with their health, and that of their families, through clinics. That makes it increasingly difficult for Canadians to be proactive and undertake some form of preventative medicine which in and of itself would help to take the burden off the health care system.

While this government has attempted to address the issue of post-secondary education with increased transfer payments to the provinces, there has been no relief for students and the enormous load they face with student debt. Why could the government not introduce income tax breaks on student loans and later payment dates, which would avoid in some cases the banks from turning student's loans that are in default over to collection agencies? That is just wrong. There must be some measure that will assist in students avoiding the consequences of such a detrimental move so early in their careers. Why does this government continue to tax educational literature and supplies? A tax break on that alone would save some money for students across the country and at all levels.

Of significant concern is the view of the Harper government that because health care is a provincial responsibility, the Government of Canada should take a hands-off attitude. Canadians deserve and expect some sort of vision for health care from our national government beyond a focus on transferring funds to the provinces.

The tax cuts the government has implemented have attempted to please all groups: A cut in personal income tax, business tax cuts, and a cut to the GST. While I do not question the first two, I have always questioned the wisdom of tinkering with a consumer-based tax like the GST rather than giving Canadians across-the-board relief through more of an income tax break. A tax break that puts more money in the pocket of all Canadians would be more beneficial and certainly farther reaching than one which only gives the biggest benefit to wealthier Canadians and those in a position to spend the most. Those Canadians who are less fortunate, the poor and the working poor, benefit far less. The government reduction in the GST was in fact a promise they made, but it does not necessarily mean it is the best course for Canadians generally. Furthermore, the infrastructure in this country is in dire need of a cash influx. I would suggest that rather than a reduction in the GST, that money would have been put to better use by addressing the problems faced in a country of aging infrastructure.

The issue of poverty in this country does not seem to be a pressing one for this government. The tax policies of the government increase widen the gap between those who have and those who have not. There is virtually nothing in the Speech

from the Throne to address the issue of child poverty in Canada. There is a pressing need for ongoing programs that alleviate this problem.

It is clear that this government has chosen a course of no return with regard to the Kyoto Protocol. In the Speech from the Throne, they the government stated that Canada's emissions could not be brought to the level required under the protocol within the compliance period. Obviously, with all the posturing that has gone on, what has been done is too little too late. In addition to that, I think their target date of 2050, which has not changed from the legislation they brought in under Minister Ambrose which caused such a fire storm, is not aggressive enough. The government has not come up with anything to challenge Canadians to realize that there are some sacrifices that will have to be made if we are to address the issue of global warming, or climate change, if you prefer. Climate change and all its potentially disastrous effects will not adjust themselves to suit this government's electoral goals.

I have repeatedly said that this government should trust the Fathers of Confederation. I have always maintained that this country needs a bicameral system, and we have one of the best systems of government in the world, one that is envied by other countries. Senate tenure is one of the principles laid down by the Fathers of Confederation that enables the government to attract a broad representative group of Canadians to serve our country. Senators are experienced, knowledgeable individuals who have accomplished much in their working lives. They bring a wide range of expertise, including that of minorities and women, to offer on many issues. It is precisely because most senators have already achieved much in their lifetime that they are able to dedicate the time it takes to serve in the Senate.

The Leader of the Government in the Senate has on numerous occasions referred to the Meech Lake and Charlottetown Accords as proof that there has been an appetite for change in our democratic institutions. That may be so. The failure of those two accords and their rejection by Canadians clearly indicates that while there was an appetite for some change, Canadians are generally satisfied with our democracy as envisaged by Sir John A. Macdonald, our first Prime Minister. In any case, the fate of those constitutional initiatives proves that there is no consensus among Canadians as to precisely what changes should be made. The first objective of our political leaders should be to conduct the kind of national discussion that would lead to such a consensus.

Changes to our democratic institutions require consultations with the provinces. That is what the Constitution requires — not the Constitution of 1867 but rather the Constitution of 1982, in which the modern Fathers of Confederation established the rules for amending our parliamentary and federal institutions, specifically including the Senate. Indeed, this government continually tells Canadians that whenever the Prime Minister spoke about Senate reform, it got the loudest applause. Why would it not? He knew it was hot button issue, and that is what this government works on. Have you ever heard a member of the House of Commons say anything complimentary about the upper house and its membership? No wonder Canadians have a negative view of the Senate.

Recently, contrary to the opinion of this government, SES Research, a well-respected polling firm, found that in fact this issue was not on the radar screen for most Canadians. I quote, "That Senate reform is not an election issue." The report goes on to say:

> Once we are outside of the West, the appetite for reforming the Senate, which many Canadians see as 'code' for opening the Constitution, is quite weak.

What is clear is that this minority Harper government has no legitimate mandate to reform the Senate from the people of Canada. Because Harper lacks a majority mandate, because Senate reform was never a primary ballot question in the last election it is surprising that the current government is pursuing this course. At the same time, I do welcome a new national dialogue, but it should not focus on the Senate but on our democratic system as a whole. To isolate the focus on the Senate would be a disservice to Canadians.

If you ask the questions, what are the issues that concern Canadians today, the issues of Senate reform would not appear as an item. I believe Canadians as a whole are confident in our system of democracy. The issues Canadians are most likely to be concerned with are those that are currently affecting them. Canadians want effective leadership in government that will address the critical issues that are facing the country. While the government has been blessed with revenue surpluses and a strong economy, combined with low unemployment, there are still issues that affect different regions of this country, and there are many challenges that government will have to deal with.

I am concerned with regard to Canada's role in Afghanistan. As a long time member of the Standing Senate Committee on National Security and Defence, I believe that I am justified in saying that the government must be very careful in the decisions they make. They must also be very clear about what they realistically can do. I do not believe that they can remove our troops by 2009 without jeopardizing the accomplishments that have been made and the ongoing projects underway. I do not disagree that the other UN and NATO nations have to do more to share the risk in the combat zone missions. It is unfair to expect Canada's troops to continue to remain in the hot zones without replacements scheduled to move in. The military is facing a problem in rotations because of the recruitment targets that were established and have not been fulfilled. The government is attempting to provide our troops with adequate equipment, but part of the problem is that there are not enough members to sustain the missions.

• (1450)

Once Canada's commitment is fulfilled, by February 2009, the decision as to whether we remain or withdraw will have to be dealt with immediately. This raises the issue of whether the Chief of the Defence Staff, General Hillier, will remain or whether the government will select a replacement for him in February 2008. We should also look forward to the report by John Manley that has been commissioned.

We have recently seen the reintroduction of the omnibus bill. This piece of legislation has me very worried. Although the government has indicated that it is simply a grouping together of previous legislation that was passed, there are some changes that have been included and it should be carefully examined. The bill is

being passed in the House of Commons with minimum scrutiny, despite the fact that it could have huge ramifications for Canadians. I am cognizant of the fact the government wants to convey the message that they are cracking down on crime, but the bill should not be passed in haste and without careful examination. We need to make sure it is right. When in opposition, the Conservatives were critical of legislation they deemed the Liberals to be too hasty with. That is why it is important for the Conservatives to make sure they do things the right way, and not just to ensure that they have completed their electoral agenda.

Canadians have just witnessed a major shift in policy within the federal government, a shift that has come to light with respect to Ronald Smith, the convict who is currently on death row in the United States. It places Canadians squarely back into the debate on capital punishment and whether Canadians are comfortable with it. The fact that Mr. Smith, a death-row killer, is in a democratic country like the United States is irrelevant to the argument as to whether his interests should be represented by Canada to seek clemency. One big factor is that Canadians were wholly unaware that the government had unilaterally changed the policy that has been present for a great many years. It seems that there is now a dual standard. The implication is that if an individual commits a crime in an undemocratic country, that person might be represented by Canadian officials. However, if an individual gets into trouble in a democratic country, forget it, because this government has changed its position and accepts capital punishment in democratic countries.

Honourable senators, I am firmly anti-capital punishment and I believe that if the government wants to change Canada's position, there should be consultation and debate on the issue. I would hope that it would not come to that.

Honourable senators, I am absolutely shocked at the tone and message of the new ads with regard to democratic reform that were created and paid for by the new Conservatives and have recently appeared on television. These advertisements are nothing if not dishonest. They highlight that senators can be appointed and be members of the Senate for 45 years. This government knows that, under the Constitution of this country, an individual must be 30 years of age to qualify. I do not know of anyone during my political involvement of over 50 years who was appointed at that age. This type of ad is deliberately designed to confuse and anger Canadians. It is bad style and it is not worthy of the leadership of this country.

Honourable senators, this concludes Senator Atkins' remarks. Although I have some disagreement with him on Afghanistan — mainly because I believe that by 2009 Canada will have done its part in support of NATO — I feel 100 per cent comfortable in supporting all of his other remarks, and I have been proud to put the remarks of a very distinguished senator and thoughtful Canadian on the record.

On motion of Senator Stratton, debate adjourned.

[*Translation*]

ADDRESS IN REPLY—TERMINATION OF DEBATE ON NOVEMBER 27, 2007—MOTION ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice given November 21, 2007, moved:

> That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded no later than Tuesday, November 27, 2007.

Motion agreed to.

[*English*]

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Keon, for the second reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Munson*)

Hon. Jim Munson: Honourable senators, I am pleased to rise today to speak briefly on second reading of Bill S-220, An Act respecting a National Blood Donor Week.

My honourable colleague Senator Mercer is, of course, unable to speak, as he is still recuperating, but I am happy to lend my support to him and to Senator Cochrane on this important piece of legislation.

Both senators have worked tirelessly with Canada's two blood operators — Canadian Blood Services and Héma-Québec — to bring this bill forward. Bill S-220 has the support of members in this place, as well as that of several members of Parliament representing all the political parties in the other place.

Honourable senators, Bill S-220 supports the ongoing efforts throughout the year to recruit blood donors who give the gift of life when life is threatened. It also provides Canadians an opportunity to celebrate and thank the donors and volunteers who contribute this precious gift of life.

As Senator Cochrane has stated before, the two blood operators collect an annual 1.1 million units of blood from less than 4 per cent of the eligible population. That just is not good enough. This percentage has to increase. With the help of this bill and the support of everyone here and in the other place, we will make it happen.

Honourable senators, I could give you thousands of examples from across Canada about how the blood system has the potential to make a difference and save lives. We have heard from members here and in the other place of their own personal connections to blood donation. In the words of Senator Mercer: "We all know why we must come together for this one common cause, a cause that has touched and will touch the lives of more than half of Canadians at some point in their future."

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know that everyone wants to close this debate as soon as possible. Our side intends to wrap up the debate next Tuesday. With that, I move that the debate be adjourned.

On motion of Senator Comeau, debate adjourned.

[*English*]

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Lowell Murray, for Senator Carney, moved second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal). —(*Honourable Senator Carney, P.C.*)

He said: As honourable senators know, Senator Carney was in her seat earlier today and asks to be excused at this moment. She has a 4:30 flight to Vancouver. Since it was not possible to get a seat on a later flight, she has asked me to fill in for her in moving second reading of this bill and speaking to it. In trying to move this bill forward, towards second reading, I invoke and paraphrase the time-honoured formulation of the House of Commons Speaker upon his election and pray that any faults may be attributed to me and not to her, whose humble servant I am.

This bill is identical to Bill C-225, which was tabled in the first session of this Parliament on May 9 of last year. Senator Carney opened second reading debate on June 12 and spoke at that time. The second reading debate was overtaken first by the summer recess and then by prorogation earlier this autumn.

• (1500)

There is a somewhat longer history to the issues that are treated in this bill, a history that goes back to 1909 when the United States and Great Britain signed the International Boundary Waters Treaty, Great Britain signing for Canada, as was the practice in those days.

Two years later, in 1911, our predecessors in Parliament passed the International Boundary Waters Treaty Act, which is the act that Senator Carney proposes to amend in this bill.

Honourable senators may relax, I will not take you back to 1909, 1911 and the intervening years. There is a somewhat shorter history that goes back almost exactly six years to the fall of 2001 when the Chrétien government, through the instrumentality in this house of our friend, Senator Corbin, introduced Bill C-6 to amend the International Boundary Waters Treaty Act.

For ease of reference, that bill was debated at second reading on October 16, 2001, examined by the Foreign Affairs Committee on November 27 and December 11, debated at third reading here between December 14 and December 18 and received Royal Assent on December 18, 2001.

During debate in the fall of 2001, Senator Carney identified serious and potentially dangerous weaknesses in Bill C-6. She was joined in debate and in committee by a number of her caucus colleagues, including our former colleague Senator Bolduc, Senator Spivak, Senator Andreychuk, Senator Di Nino and me. We proposed a number of amendments in committee, and I believe, if my recollection serves me well, at third reading to Bill C-6. However, these amendments were defeated. Royal Assent, as I indicated, was given on December 18, 2001.

Let us fast forward to the year 2007. Senator Carney, encouraged as she was by the election of a Conservative government, fortified by the recollection of support that her caucus colleagues had given her in 2001, is trying again to correct the flaws in this act resulting from the 2001 amendments.

The International Boundary Waters Treaty Act, as amended in 2001, purported to prohibit removal in bulk of boundary waters from those water basins and to create a licensing regime for projects that affect the levels or flows of water on the U.S. side of the boundary.

The weakness in the act as amended is the unprecedented — and I use the adjective "unprecedented" as a direct quote from our former colleague, Senator Bolduc — latitude it gives to the cabinet to define, to interpret and to implement its provisions in any way that suits them or their official advisers and without seeking parliamentary approval.

For example, bulk water is not defined in the act; it is left to regulation. Presently, the regulation defines bulk water as starting at 50,000 litres, but it could be any number that officials choose for any expedient reason. That is the nature of regulations; it is delegated authority to ministers and officials.

As another example, having purported to legislate a prohibition, the act empowers cabinet, by regulation, to make exceptions, and that power to make exceptions is unfettered. This very afternoon, the Deputy Leader of the Government in the Senate tabled a reply from the Department of Foreign Affairs to a question that had been asked on October 30 by Senator Carney.

Once again, the Department of Foreign Affairs puts forward the same dubious interpretation that they put forward six years ago under another government. I will read a sentence or two from the reply tabled this afternoon:

> These amendments resolved any ambiguity about the matter of enforcement on in-basin projects which affect the level or flow of boundary waters on the other side of the border. However, this is a separate and distinct issue from the prohibition on bulk water removals.
>
> Specifically, the licensing powers of the minister do not pertain to nor create any capacity to license bulk water removals from boundary basins, something that is expressly prohibited by the statute.
>
> Accordingly, no ministerial licences under the IBWTA have been, nor could be, issued for bulk water removals.

Honourable senators, most of the witnesses who appeared before the Foreign Affairs Committee of the Senate six years ago denied that interpretation. They rejected that interpretation utterly, and I will explain why.

I will read section 13(4) of the International Boundary Waters Treaty Act as amended. First, Section 13(1) states the prohibition:

> . . . no person shall use or divert boundary waters by removing water from the boundary waters and taking it outside the water basin in which the boundary waters are located.

Section 13(4) states:

> Subsection (1) does not apply in respect of the exceptions specified in the regulations.

That is wide open, honourable senators. That is one of the glaring weaknesses in the legislation that Senator Carney's bill is seeking to protect.

With respect to the 50,000 litre definition, Senator Carney's bill would take the 50,000 litre definition out of the regulations and put it into legislation where it belongs so that if there is any desire on the part of anyone in the government to change that, to have a new point of departure for the definition of bulk waters, then they will have to come to Parliament to ask Parliament's permission.

There are certain reasonable exceptions to the prohibition, which are now contained in the regulations, and these would be set out, under Senator Carney's bill, in the act. The authority of cabinet to make other exceptions by regulation would be removed by Senator Carney's bill, and the authority of Parliament to review and negate such recommendations in advance is affirmed.

Honourable senators, apart from the importance of the subject before us — the environment, our precious water resources and the need to ensure their protection — another issue is intimately related. That issue, which has come up again recently and seems to be with us all too frequently, is to define where the authority of the executive government should end and where the authority of Parliament should begin. Unfettered regulation-making authority on the part of the executive government is inimical to responsible parliamentary democracy.

The other day — and while one is not supposed to reflect on other debates, I will not do so at any length — I spoke to Senator Carney's lighthouse bill, Bill S-220.

• (1510)

We are still trying to curb the ability of officials to let lighthouses rot, burn or be torn down in their unfettered discretion, and of course they do not like that. They do not want Parliament butting into what they consider their sole prerogative. They do not want a public process. It is up to us to stand up for parliamentary democracy.

I will give another example which may be new to honourable senators. Last June we passed Bill C-52, the first of the budget implementation bills pursuant to Mr. Flaherty's Budget 2007. Senator Banks recently drew my attention to a provision of that bill that went through while most of us were preoccupied, if not obsessed, with the Atlantic accord. They slipped in a little amendment to the Financial Administration Act. What does that amendment do? Senator Banks and I looked into it. Sure enough, it does away with borrowing bills.

Until now, the government usually had to come to Parliament if it wanted to borrow money. Government would put forward a borrowing bill and have a debate. They were able to borrow up to a certain maximum number under certain conditions, but that need not detain us. Basically, they had to come to Parliament with a borrowing bill. There was a little amendment to the Financial Administration Act slipped into the Budget Implementation Act: No more borrowing bills. They do not want Parliament involved in what they consider their business. The mandarins and the officials do not want Parliament at all, says Senator Tkachuk, and he is right.

We must draw the line, and this is as good a time to start as any.

Hon. Senators: Hear, hear!

On motion of Senator Comeau, debate adjourned.

[*Translation*]

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Chaput, for the second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).—(*Honourable Senator Tkachuk*)

Hon. Michel Biron: Honourable senators, I am pleased to add my voice to that of my colleague, Honourable Senator Goldstein —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Given that our critic has not yet spoken on the subject, we do not object to the senator taking the floor now, but we want to reserve our usual 45 minute period for our critique of the bill.

Senator Biron: Honourable senators, I am pleased to join my voice to that of my colleague, Senator Goldstein, in support of Bill S-205 to alleviate the financial burden on young Canadians who borrow money to pursue an education and are unable to pay back their loans.

After weighing the arguments in favour of this bill, re-reading the report tabled in 2003 and discussing the social implications of this with different people, I came to the conclusion that I had to support this bill. I do not want to repeat the comments of my esteemed colleague, but I would like to emphasize certain aspects.

First I must point out that the purpose of the student loan system is twofold: to have measures in place to encourage post-secondary education in order to have an educated and skilled workforce in the future, and to ensure that taxpayers do not have to bear the unreasonable costs related to the student loans provided by the government.

As far as the Bankruptcy and Insolvency Act is concerned, a brief historical overview shows that it was amended in order to protect creditors from students abusing the bankruptcy

option. Thus, as a result of the legislative changes in 1997 and 1998, it became excessively difficult for students to get rid of their student debt. Nonetheless, research shows that students are not abusing the bankruptcy procedure in order to get rid of their debt.

We can see in the statistics provided by Senator Goldstein, that two years after graduation, fully 20 per cent of graduates with student debt had paid off their loan completely, 80 per cent of graduates had paid off almost a quarter of their debt in that same two-year period and 70 per cent were still meeting their payment deadlines after nine years. We can see that in most cases, graduates fulfill their obligations.

Nevertheless, despite their good intentions, sometimes graduates simply cannot pay off their student loans either because of illness, the inability to find employment or because they do not receive enough income from the employment they have to fulfill their obligations. For some graduates, student debt ties them down and hinders their ability to become productive citizens and contributing members of Canadian society.

This is quite unfortunate since the student loan system is intended to help young Canadians pay for an education.

Considering that the average student debt in 1998 was $25,000 and that students have no guarantee that the investment they are making will produce the desired results, failing to release recent graduates from their debt for a period of 10 years after graduation, even in exceptional circumstances, is a peculiar provision of the Bankruptcy and Insolvency Act and adds to the burden on young Canadians as they begin their careers.

Bill S-205 aims specifically to give recent graduates a new lease on life, by releasing them from their loans when, two years after graduation, they are finding that they cannot get ahead in life because of their heavy student debt.

In order to ensure that students do not declare bankruptcy immediately after they graduate, the proposed timeframe of two years, during which time graduates cannot be automatically released from their responsibility to repay their loans if they declare bankruptcy, is meant to force students to take control and find the means to pay off their debt.

It is possible, however, that graduates may face financial difficulties during the first two years after they graduate. In light of this possibility, and in an attempt to pursue the spirit of the amendment proposed for the legislation, Bill S-205 also makes it possible to obtain an order within the two-year timeframe.

• (1520)

Bill S-205 therefore gives the courts the latitude to decide, in each individual case, if full or partial release is desirable, or if the request for release should simply be refused.

The court could also make other orders and impose any other conditions deemed appropriate in any given case.

By thus giving greater flexibility to the courts that would hear these requests for release, the procedure will not be over-managed, which could lead to injustices. A framework that is too rigid can, on occasion, have a negative effect that goes against the spirit of the law.

Let us remember that the amendment proposed in Bill S-205 will allow students who have difficulty repaying their loans to get a fresh start in life. It will level the playing field between students and all other citizens under the Bankruptcy and Insolvency Act two years after they complete their studies. Although Bill C-12 reduces the waiting time from ten to seven years, and to five years in exceptional circumstances, Senator Goldstein and I continue to believe that a period of two years is a better compromise both in the interest of the public and of the students.

Honourable senators, bearing in mind my comments and those made by our colleague, the honourable Senator Yoine Goldstein, Bill S-205 will provide an equal opportunity for all.

It is a question of providing dignity and honour to all those who need a fresh start, values that have no political stripe but that are firmly rooted in all Canadians.

Honourable senators, I thank you in advance for your consideration of Bill S-205.

On motion of Senator Comeau, debate adjourned.

[*English*]

ABORIGINAL PEOPLES

MOTION REQUESTING GOVERNMENT RESPONSE TO STUDY ON RECENT REPORTS AND ACTION PLAN CONCERNING DRINKING WATER IN FIRST NATIONS' COMMUNITIES ADOPTED

Hon. James S. Cowan, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

> That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the eighth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Safe Drinking Water for First Nations,* tabled in the Senate on May 31, 2007 and adopted by the Senate on June 12, 2007 during the First Session of the Thirty-ninth Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians being identified as the Minister responsible for responding.

Motion agreed to.

MOTION REQUESTING GOVERNMENT RESPONSE TO STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES ADOPTED

Hon. James S. Cowan, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

> That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report from the First Session of the Thirty-ninth Parliament of the Standing Senate Committee on Aboriginal Peoples, entitled *Sharing Canada's Prosperity — A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007 and adopted by the Senate on March 27, 2007, with the Minister of Indian Affairs and Northern Development and

Federal Interlocutor for Metis and Non-Status Indians, the Minister of Human Resources and Social Development Canada, and the Minister of Natural Resources Canada being identified as Ministers responsible for responding.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

Hon. Consiglio Di Nino, pursuant to notice of November 21, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to Foreign relations generally; and

That the committee report to the Senate no later than June 30, 2009.

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 27, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, November 27, 2007, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Thursday, November 22, 2007

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21		
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30							
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs					
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0			
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23							
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30							
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31							
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13							
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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OFFICIAL REPORT
(HANSARD)

Tuesday, November 27, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, November 27, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of His Excellency Wolfgang Erlitz, President of the Federal Council of the Republic of Austria, who is leading a delegation of his colleagues on their visit to Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

JUSTICE

YOUTH CRIMINAL JUSTICE ACT—COMMENTS BY THE HONOURABLE SHARON CARSTAIRS

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, last Thursday during Question Period, Senator Carstairs posed a series of questions related to Bill C-25, An Act to amend the Youth Criminal Justice Act. The honourable senator stated:

> On Monday, while watching "Politics" on CBC, the Conservative spokesperson referred to amendments to the Youth Criminal Justice Act as having two purposes: deterrence and denigration.

I want to inform all honourable senators that this information is incorrect. Rob Moore, Parliamentary Secretary to the Minister of Justice, did not use the word "denigration" during his appearance on CBC Newsworld's "Politics" on November 19, 2007.

During his appearance on this program, the parliamentary secretary used the word "denunciation" repeatedly. Our government is seeking to include this sentencing principle, along with deterrence, under the Youth Criminal Justice Act to allow the courts to consider it as an objective of sentencing. Mr. Moore clearly stated in this interview that this sentencing principle sends the message that we, as a society, publicly condemn these criminal actions.

[*Translation*]

THE RIGHT HONOURABLE ANTONIO LAMER, O.C., P.C.

Hon. Dennis Dawson: Honourable senators, today is a sad day for the Canadian legal community and for all defenders of rights and freedoms in this country. The Right Honourable Antonio Lamer passed away, leaving behind a great legacy.

Born in Montreal, he served in the Royal Canadian Artillery. He then obtained a Bachelor of Laws from the University of Montreal and was later called to the Quebec bar. After spending some time in the private sector, he worked in a variety of capacities within the Canadian legal system and on a number of boards of directors.

He was appointed to the Superior Court of Quebec in 1969. In 1971, he became vice-president of the Law Reform Commission of Canada, and its president in 1976. He was also a member of the Canadian Human Rights Foundation. Justice Lamer was appointed a judge of the Court of Appeal of Quebec in 1978 and of the Supreme Court of Canada in 1980, and became Chief Justice of Canada, the highest position in the Canadian judiciary, in 1990.

• (1405)

[*English*]

He arrived at the Supreme Court just in time to leave his mark on the *Canadian Charter of Rights and Freedoms* and on the Constitution. He set the tone for the respect of the Constitution, the Charter and the rights of individuals.

[*Translation*]

This great Quebecer and Canadian worked very hard throughout his brilliant career to defend his country's interests and those of his fellow Canadians. He will always be remembered as a great champion of the Canadian Charter of Rights and Freedoms. His absolute commitment to the Charter principles greatly contributed to giving that document the important status that it enjoys today.

He also advanced jurisprudence related to aboriginal law. I am convinced that francophones outside Quebec owe him a great debt of gratitude for protecting their rights.

Since his retirement, I have had the pleasure of dining with him about a dozen times a year, and I learned a lot from him. I will miss our long dinners and our discussions. My colleague, Senator Nolin, attended some of these dinners, and I think he too will remember them with fondness.

His contributions will no doubt have a major impact on future generations.

On behalf of all my parliamentary colleagues, and our friends from the Press Club, I would like to extend our deepest sympathies to the family and relatives of Mr. Lamer.

[*English*]

JUSTICE

LEGISLATION TO PREVENT IDENTITY THEFT

Hon. Donald H. Oliver: Honourable senators, once again, our Conservative government is showing real leadership in protecting Canadians from crime. Our government is tackling violent crime, has introduced a national anti-drug strategy and is working to increase penalties for criminals who use firearms.

Honourable senators who know of my interest in combating Internet spam will not be surprised to know how keen I am to support legislation designed to prevent identity theft.

"Phishing" is an attempt to criminally and fraudulently acquire sensitive information like user names, passwords and credit card information over the Internet. Spammers who masquerade as a trustworthy entity use this as a means to steal identities of persons, corporations and even non-government organizations.

Consider, for example, two weeks ago, on November 14, the Honourable Monte Solberg, Minister of Human Resources and Social Development, sent an email informing the public service that spammers had fraudulently posed as the Financial Consumer Agency of Canada — the FCAC. Spammers had sent emails to various Canadian financial institutions that claimed to be from the FCAC and said they were investigating complaints. The email recipients were directed to click a link in the email to view the status of the complaint and to provide specific financial information. This is how identities are stolen.

Canada's new government is now turning its attention to this important issue of identity theft. Identity theft is emerging as a major crime that can stalk anyone at any time. It is especially dangerous to those, in particular seniors using the Internet, who may not even know that they are at risk. It is the ultimate invasion of privacy. Using personal information gained from hacking or stolen personal records, fraudsters are ruthlessly stripping Canadians of their money, identity and self-respect.

Abusing and misusing another person's identity information is already covered under the Criminal Code; but steps leading up to that point, such as collecting, possessing and trafficking in identity information, are generally not captured by existing offences. Legislation now before the other place will change this situation by directly targeting aspects of identity theft.

Nancy Hughes Anthony, head of the Canadian Bankers Association, has strongly endorsed this legislation, stating:

> This bill represents concrete action in the fight against identity theft and we applaud and support today's efforts to put consumer protection at the forefront, where it should be.

This builds on the many initiatives our government is taking to protect Canadians from all forms of crime, while ensuring that offenders are held to account for their actions.

VETERANS AFFAIRS

COMMITMENT TO TROOPS

Hon. Roméo Antonius Dallaire: Honourable senators, the following is a statement of commitment to our troops from Vimy to Afghanistan.

[*Translation*]

In April of this year, we celebrated the 90th anniversary of the Battle of Vimy Ridge. Thousands of Canadian soldiers were killed or injured during that battle, which was part of a long and bloody war. Almost 65 years ago, nearly 2,000 Canadian soldiers were killed, injured or taken prisoner on the beaches at Dieppe, during another long and bloody war. These classic wars of the past were fundamentally based on attrition. In order to achieve our objectives, we had to be prepared to accept a high number of casualties on our side, and show perseverance and determination to sustain our efforts until the final victory, despite the bloodbaths and the suffering.

• (1410)

[*English*]

Those who fought in those classic wars sustained both physical and mental injuries that remained with them for the rest of their lives. In those wars of attrition, the scale of losses and the massive impact of casualties returning home challenge to a nation's core its will to pursue and be victorious. In this post-Cold War era, where the casualty rates in civilian populations massively outweigh the losses of the militaries engaged in combat and protection tasks, the will of the sovereign developed countries is once again tested by the return of those valiant soldiers who pay the price of life and their future in so much more complex and ambiguous missions in farther-off lands than we could have imagined in the past.

In this general period of remembrance, the question that arises from those who have borne the brunt of our desire, our duty to maintain our security and to assist in bringing peace to other peoples, is: Are we as worthy today as our elders of their commitment and of the enormous sacrifices they and their families are called upon to pay?

[*Translation*]

The death of a warrior on the battlefield, whether the soldier was killed or injured in Afghanistan, Korea or Europe during World War II, is equally laudable, dreadful and worthy of our respect and gratitude.

On the issue of the price that must be paid for peace and security in far-off lands where extremism and human rights abuse are commonplace, the value remains the same, the price is just as high and the need just as great.

[*English*]

Weapons still exist that can obliterate the planet and all of its life forms within minutes, and powerful nations still resort to the use of military strength to impose their will or protect their influence on others. However, there is still considerable hope that soldiers of this era and the future will be used more often not only

as simple peacekeepers as in the recent past, but also as warriors of peace who are prepared to fight and die to protect those innocent human beings whose rights are massively abused by rogue governments and rebellious, subversive elements within their borders. As veterans of previous wars have done, modern-day warriors of peace will commit themselves to the unlimited liability of service to their nation and pay the ultimate price in the protection and rendering of security for those humans who exist in inhuman conditions in far-off lands across the globe.

The abnegation and commitment that these warriors of peace and their families give to their missions are nothing less than exemplary. It is sad and immature that generations like ours cannot muster the same depth of commitment and sacrifice as did those who preceded them in order to sustain the enormous price of peace, security, human dignity, human rights, rule of law, gender equality and democracy in imploding nations and democracies around the world.

[*Translation*]

When we say "Je me souviens", or "I remember", we remind ourselves that the incredibly precious and worthy existence of our country is owed in part to the sacrifices of our fathers who served for decades under our flags around the world. This expression of remembrance should become a rallying cry and a cry of encouragement for those serving today in complex missions that are just as essential to the respect and dignity of human beings suffering abuse in far-off lands.

[*English*]

GREY CUP 2007

CONGRATULATIONS TO SASKATCHEWAN ROUGHRIDERS

Hon. David Tkachuk: Honourable senators, the headline in my hometown newspaper this morning read, "Rider Victory Reflects Sask.'s new confidence."

Next to that was the headline: "Sask. Liberal party's future shaky." It is Tuesday morning and there is nothing but good news.

I will talk about the former headline rather than the latter. After an 18-year championship drought, the Saskatchewan Roughriders won the Grey Cup on Sunday. The margin of victory was not huge; the Riders won 23 to 19 over the Winnipeg Blue Bombers. I want to point out that the Blue Bombers is another Western team, despite the fact they are in the Eastern Conference.

• (1415)

It was smash-mouth football from another era. As the newspaper described it: It was "a trench warfare, gut-busting, take-no-prisoners struggle that went down to the final half-minute. . . ." In 1989, the hero was David Ridgeway, and I have an autographed picture of him in my office if anyone wants to have a look sometime. Honourable senators might have guessed by now that I am somewhat of a fan of the Riders.

This year the Grey Cup hero was defensive back James Johnson, who in the space of one half of a football game went from a bum in many fans' eyes to a hero for all Saskatchewan fans. He got burned on a 50-yarder early in the second half that gave Winnipeg real hope; and he picked off a Winnipeg pass in the last half minute that ended the dreams of that team.

I congratulate Mr. Johnson and his teammates for not only this victory, but also for a great season of football. I congratulate Kent Austin, coach, who showed this team how to win all year. In spite of his protestations to the contrary, he led the Saskatchewan team to victory yesterday, just as he led them to a Grey Cup victory as quarterback in 1989.

As he intimated, this was a team effort, as all things are in Saskatchewan, and a job well done by all the players. Congratulations to Winnipeg and Saskatchewan for a Grey Cup game that was truly a tribute to all Canadians.

SASKATCHEWAN

HUMBOLDT—ST. PETER'S COLLEGE ANNUAL AWARDS CEREMONY

Hon. Rod A. A. Zimmer: Honourable senators, access to post-secondary education in rural communities is an important key to sustainable rural economic development. When young people from rural areas are able to attend university close to home, it means that they are able to help out on the farm or with the family business, all the while contributing to the rural economy.

Students who study in rural settings are more likely to return to their respective communities once they have completed their post-secondary education. This benefits local area businesses who are desperately trying to attract professionals and skilled labourers to their communities.

Established in 1921, and affiliated with the University of Saskatchewan, St. Peter's College, my alma mater, is an example of a rural university making a real contribution to regional and rural development in Saskatchewan. Canada's only Benedictine liberal arts and science college is situated on 250 acres of mixed forest overlooking Wolverine Creek, 110 kilometres east of Saskatoon. It offers approximately 50 courses in university programs ranging from commerce and pre-medicine to social work and pre-law.

Honourable senators, grounded in tradition and looking toward the future, the college is emerging as Canada's pre-eminent rural college through its commitment to university, professional and community programming. The students at St. Peter's College are being taught by the best and the principles, values and lessons in life that they learn there will guide and protect them for the rest of their lives.

On Friday, September 14, I had the honour of addressing St. Peter's students at an awards ceremony in Humboldt, Saskatchewan. Students received awards for their academic excellence, community involvement and achievement in sports. The diversity of these students' accomplishments and their commitment to learning was truly inspiring. A large number of

St. Peter's students return to live and work in rural areas. These students are making a direct contribution to the rural economy and helping rural economic development.

Honourable senators, I would like to take the opportunity to congratulate and to commend the students of St. Peter's College on their personal achievements, as well to thank them for their contribution to this great adventure we call Canada.

[*Translation*]

ROUTINE PROCEEDINGS

PRESIDENT OF THE TREASURY BOARD

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the President of the Treasury Board's annual report to Parliament, entitled *Canada's Performance 2006-07: the Government of Canada's Contribution.*

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention to the presence in the gallery of the participants in the Fall 2007 Parliamentary Officers' Study Program.

On behalf of all honourable senators, welcome to the Senate of Canada.

• (1420)

[*English*]

THE SENATE

NOTICE OF MOTION TO URGE PRIME MINISTER TO CONVENE FIRST MINISTERS' CONFERENCE ON FUTURE OF INSTITUTIONS OF PARLIAMENT

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

> That the Senate urges the Prime Minister to convene forthwith a meeting of the First Ministers of the Provinces and Territories and of Canada, for the specific purpose of considering the future of the institutions of the Parliament of Canada.

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER PAPERS AND EVIDENCE ON STUDY ON STATE OF FRANCOPHONE CULTURE FROM PREVIOUS SESSION TO STUDY ON OFFICIAL LANGUAGES ACT

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That the papers and evidence received and taken and the work accomplished during the First session of the Thirty-ninth Parliament in relation to the study on the state of Francophone culture in Canada by the Standing Senate Committee on Official Languages, pursuant to the order of reference adopted by the Senate on May 3, 2007, be referred to the committee for the purposes of its study on the application of the *Official Languages Act*, pursuant to the order of reference adopted by the Senate on November 20, 2007.

[*English*]

MINE BAN TREATY

TENTH ANNIVERSARY—NOTICE OF INQUIRY

Hon Elizabeth Hubley: Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

> I shall call the attention of the Senate to the 10th Anniversary of the signing of the Ottawa Treaty against the use of land mines.

[*Translation*]

QUESTION PERIOD

THE ENVIRONMENT

CLIMATE CHANGE—GOVERNMENT'S POSITION

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. I would like to remind her that nearly two years ago, international leaders gathered in Montreal to discuss climate change. At the time, Canada set out on a mission and managed to achieve consensus on measures to reduce greenhouse gas emissions.

Two years later, Canada has switched from world leader to Kyoto killer. Newspaper headlines are pointing out that Canada is alone in this, and other nations are criticizing the Prime Minister's efforts to block the deal at the Commonwealth summit.

Climate change is the most pressing issue we are facing, so how can the government pretend that it is not a pawn of the Americans and the multinational oil companies in Alberta?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government is taking a reasonable approach to this whole issue. I draw the attention of the honourable senator to the editorial in the *National Post* this morning and also to the column by Jeffrey Simpson in *The Globe and Mail.* The fact is that the Prime Minister and the government have shown leadership on the issue of the environment. His stand at the Commonwealth Summit was absolutely consistent with the position he took at the

G8 and APEC meetings. Clearly, all reasonable observers would acknowledge that this is the responsible way forward. We all know what happens when countries sign on to agreements with no plans to implement them.

• (1425)

There is absolutely no way that the world can proceed to reduce greenhouse gases and deal with the whole question of the environment without all of the major polluters at the table, including a member of the Commonwealth, India, as well as China and the United States.

[*Translation*]

Senator Hervieux-Payette: I think the Prime Minister and President Bush are the only ones who still refuse to take action against greenhouse gases. The outgoing Prime Minister of Australia, John Howard, was shown the door because of his position on the environment. Naturally, this is food for thought, especially considering he did not win his seat.

I would like to remind the Leader of the Government in the Senate that we need to seriously tackle this problem. With that in mind, can the Leader of the Government in the Senate tell us when the Prime Minister will do us proud on the international scene by playing an active role as the leader of a developed country, instead of following the agenda of developing countries such as India, China and other, much smaller countries?

[*English*]

Senator LeBreton: First, Canada is not following the agenda of the United States, and it was clear at the Commonwealth summit that several countries shared Canada's position. Some of the reports were incorrect.

However, let us pretend for the moment that Canada stood alone. What becomes obvious is the leadership capability of the Prime Minister, in being able to bring everyone around to the reasonable approach that Canada has taken. The government and the Prime Minister have shown leadership on this matter. We already know the sad results of signing on to protocols and accords that we have, first, no intention of living up to, let alone any idea of how we would live up to them.

I understand New Zealand was one of the countries at the Commonwealth summit that also agreed with Canada's position. With regard to Australia, — according to an editorial I read on the Internet in one of the Sydney newspapers — Mr. Howard's defeat cannot be linked to the environment alone. His defeat was really brought about, according to some of the commentary I read, because he had been there for quite a long period of time. The voters of Australia factored that in when they voted in the election on Saturday.

Hon. Grant Mitchell: Honourable senators, it goes like this: The fire chief arrives at the burning house but with only two of his three fire trucks, turns to the firefighters who are there and says, "Do not start anything until the third fire truck arrives." That is not a joke and there is no punchline. In fact, very unfortunately, this is exactly the position that Prime Minister Harper took at the Uganda conference. If it were not so disingenuous, and if it were not so frightening, in fact if it were not so literally pathetic, it might actually be a joke.

Why will this Prime Minister simply not stop misleading the world and misleading Canadians with his suggestion that all countries have to be on side before he will agree to binding emission targets, when really he is clearly, fundamentally, a climate change denier who will never agree to do anything significant to combat climate change?

Senator LeBreton: Thank you, Senator Mitchell. The fact is, and it has been well acknowledged by many people, that Canada has to be part of a global solution to this problem.

The honourable senator talks about fire trucks. I can give another analogy. If I live in a house and I am told to keep my property in good order and to keep my garbage cleaned up but my neighbours on either side refuse to do likewise, am I responsible for all the garbage on the street? That is how ridiculous the argument is.

The Prime Minister has taken a consistent and reasonable position from the very beginning. I do not need to remind the honourable senator that greenhouse gas emissions went up under the previous government. He seems to take offence to that, but it happens to be the reality.

• (1430)

The way forward is to have a reasonable solution that includes the major emitters, being mindful of the impact on Canada's economy. The environment and the economy are closely linked. I think all Canadians believe that this is the reasonable approach.

Canada has taken many measures within our realm of responsibility to reduce greenhouse gas emissions. We are doing our part. On the global front, it is important that major emitters such as India, China and the United States do their part. The United States did not sign on to the Kyoto accord, yet the percentage of their emissions increase was much less than ours.

Senator Mitchell: It was an unfortunate analogy that the leader chose to explain her position. In fact, it is the neighbours who are creating the garbage. It is the western industrialized nations that have built their economies and created the emissions that are now damaging the neighbours who have not contributed to the problem.

When the Prime Minister hears countries like Malta, for example, lay out their concern that the consequences of climate change will be catastrophic for them, what depth of selfishness and lack of insight resides in his Conservative heart that he would not want to do whatever we can do to help those people to solve a problem that we have created and from which they will have to suffer?

Senator LeBreton: Is the honourable senator saying that I, as a neighbour living in the centre of this, is not only responsible for my own property, but also that I should pay my neighbours to clean up their property with no guarantee that they will do it?

I believe Senator Mitchell is engaging in the same rhetoric that he has been uttering for quite some time. This is an issue on which the Prime Minister has been consistent. He has shown strong leadership on this subject. The Minister of the Environment has done likewise. The Prime Minister and the members at the summit

all signed the communiqué, so they all agreed with the Prime Minister, and that is consistent with what the Prime Minister said at both the G8 and APEC meetings.

Senator Mitchell: This response demonstrates the lack of understanding of the leader. No one is saying that Canada must pay to clean up another country's problems. We are saying, "Why not impose hard targets in Canada to reduce our carbon footprint in this country, thereby leading the world and contributing to other parts of the world, thereby stimulating our economy?" Can I not get it through the leader's head that Kyoto and climate change initiatives are not an economic burden? They are an economic opportunity.

Senator LeBreton: The honourable senator says today that I do not understand what I am talking about. Senator Carstairs said last week that I did not know the definition of "denunciation." That is the view of the honourable senators.

We are committed to taking real and balanced action on the environment. Our plan sets tough and achievable mandatory targets for all major industrial sectors to cut greenhouse gas emissions by 20 per cent by 2020, and by 60 to 70 per cent by 2050. I point out again that under the leader of the Liberal Party, who was the Minister of the Environment, our greenhouse gas emissions rose 33 per cent above Canada's Kyoto targets. That proves that signing on to an agreement with no idea of how to implement it because you are trying to garner a few nice headlines in some of the media or curry favour with a couple of countries does not solve the problem.

FOREIGN AFFAIRS

AFRICA—FUNDING FOR MALARIA

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate.

I commend the Prime Minister on last week's announcement of a funding initiative to save one million African lives. The Prime Minister says that it will save over 500 African lives per day. In light of the fact that malaria kills 3,000 African children per day, can the honourable leader tell us how much of the $105 million over the next five years will go specifically towards fighting malaria? Will this funding be in addition to what is already allocated for malaria prevention by the federal government?

• (1435)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question and welcome her back. I was pleased to learn that she accompanied the Prime Minister on his trip to Uganda. I will take the question as notice and obtain an exact breakdown as to how this money will be allocated.

Senator Jaffer: Honourable senators, may I also request that the Leader of the Government in the Senate find out whether the federal government has provided additional money requested by the World Health Organization and the Red Cross for malaria projects that are currently underway? I should also like to know how much money will be provided towards a major expansion of CIDA's bednet project.

Senator LeBreton: Honourable senators, I will be happy to inform Senator Jaffer of same. As she knows, the Prime Minister has said in answer to questions from the media that we still have quite some work to do in the field of foreign aid. I will happy to take her second question as notice as well.

THE ENVIRONMENT

QUEBEC—SUPPORT FOR KYOTO PROTOCOL

Hon. Dennis Dawson: Honourable senators, I was happy to hear that the Prime Minister brought Senator Jaffer to Uganda. Maybe Mr. Baird can take Senator Mitchell with him on his trip to Bali.

Some Hon. Senators: Hear, hear!

Senator Dawson: The Leader of the Government would be relieved for a few days.

[*Translation*]

Two years ago, honourable senators, Prime Minister Harper campaigned on the concept of respecting the will of the provinces. In particular, I recall his promise to respect the provinces' wishes when it comes to international negotiations. Once again, the Conservative government says one thing, but does another. All the parties in the Quebec National Assembly recognize the importance of the Kyoto Protocol. The government is thumbing its nose at the consensus in Quebec. In spite of everything, in his budget speech, the Minister of Finance, Mr. Flaherty, said that the long, tiring, unproductive era of bickering between the provincial and federal governments is over. How can we believe such a statement when the federal government is not keeping its promise to communicate the positions of Quebec and the other provinces to the rest of the world?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Dawson for his question. The preamble to the question was an enticing suggestion.

The Prime Minister and the government are working very hard. Part of our mandate is to respect provincial rights. In the case of the Province of Quebec, we have delivered on many fronts in that regard. In some areas, obviously, the federal government holds positions on which individual provinces may have differing opinions. That in no way detracts from either the federal government or the province concerned. As a matter of fact, that is one of the wonderful products of our democracy.

However, I believe the position the Prime Minister has taken on the environment and the Kyoto accord is valid. As much as people may like to say otherwise, many people in the honourable senator's own party acknowledge, including the deputy leader, that the Kyoto accord was not able to be accomplished. The senior adviser to then Prime Minister Chrétien has stated publicly that the accord was signed onto with no plan or idea as to how it would be implemented.

• (1440)

[*Translation*]

Senator Dawson: How can the government claim that it provides the provinces the opportunity to be heard when it is not allowing Quebec Premier Jean Charest to raise the matter of Kyoto at the next summit of the Francophonie in Quebec City next fall?

[*English*]

Senator LeBreton: I thank the honourable senator for his question. Of course, the Premier of Quebec is a well-known environmentalist. When he was a federal cabinet minister, he attended the original conference, the Earth Summit, in Rio de Janeiro. Mr. Charest's views on the environment are well known and well respected.

The Government of Canada has a national responsibility on the environmental front. We have taken many actions already — which Premier Charest would have surely supported — including the preserving of lands in this country. We have also laid out our "Turning the Corner" plan.

I suppose the problem is the actual Kyoto Protocol, which, as we know — much as others might like to believe otherwise — is now impossible. We cannot go back and answer for work that was not done or actions that were not taken. We only have to work from here into the future, and I believe the government is on solid footing. I believe the general public across the country supports that position.

[*Translation*]

INTERGOVERNMENTAL AFFAIRS

MEETING WITH FIRST MINISTERS

Hon. Dennis Dawson: How can the minister defend Prime Minister Harper who prefers being photographed in Rivière-du-Loup with Mario Dumont rather than meeting with the Quebec premier to discuss the economy?

Why does Prime Minister Harper refuse to meet with the other provinces to discuss the Constitution? Why does he refuse to acknowledge that Quebec has a position on the Senate to which the government does not listen?

Finally, how can he make all these comments about Mr. Charest when he refused to meet him and preferred to be photographed with Quebec's Leader of the Opposition?

That is an insult, honourable senators!

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator is wrong. The Prime Minister has not refused to meet with Premier Charest. As a matter of fact, I think he has met with Premier Charest more than any other premier. As I reported last week, the Prime Minister has been working with the various premiers to try to organize a meeting of all premiers either shortly before or after Christmas.

The premiers have been canvassed — and, as I mentioned last week, several provincial elections intervened. The Prime Minister has not refused to meet the Premier of Quebec. He is happy to meet with the premiers.

I was happy to see that Premier Charest and Premier McGuinty of Ontario met to discuss the very real issues between the Quebec and Ontario border. I was also pleased to see them express their views on the future of the Senate. They clearly have conflicting views, but the fact is we are making progress, given that the matter is now being discussed.

Senator Rompkey: And the House of Commons.

THE ENVIRONMENT

BALI CONFERENCE ON CLIMATE CHANGE—PROPOSAL TO INCLUDE MEMBERS OF OPPOSITION IN DELEGATION

Hon. Tommy Banks: I have a supplementary question for the Leader of the Government. It is astonishing that people on the leader's side, who are usually reasonably well informed, continue to believe that no progress was being made under the Kyoto Protocol. That is not true. Even a grazing examination of the matter will show that that statement is not true.

However, my supplementary has to do with the question originally asked by Senator Dawson — and I think he was serious — about Senator Mitchell attending in Bali. The previous government, and the one before that, ensured that there were members of the opposition in attendance at these conferences. In fact, the present Leader of the Opposition — who was at the time, as you pointed out, the Minister of the Environment — ensured there was a member of the Conservative Party at the Montreal conference.

What is it that has caused this government to discontinue that courtesy?

• (1445)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Many groups are sending representatives to the conference in Bali, and members of the opposition are entirely free to attend. Minister Baird will be accompanied by a number of people. He will represent Canada, and who accompanies him is his choice, but that does not prevent other people from attending the conference.

Insofar as the Montreal conference is concerned, I do not know whether the individual that Senator Banks mentioned was part of the official delegation, or attended on his own. I will check. Members of the opposition are free to attend the conference, and I expect they will.

It was interesting that the first question MP David McGuinty asked Minister Baird in the other place in 160-odd days was about why he was not invited on the trip. He was worried about going on a trip rather than about substantive issues concerning the environment.

Senator Banks: Honourable senators, I hope the minister will check on that. I believe she will find that the member of the opposition was a member of the Canadian delegation at the Montreal conference. The fact that any Canadian can attend the meeting in Bali is not the thrust of my question. I should have expressed more clearly that I was asking about members of the opposition as part of the Canadian delegation. I hope that she will check and let us know whether I am correct, as I hope I am.

HEALTH

FUTURE OF CANADA HEALTH NETWORK

Hon. Lorna Milne: Honourable senators, I was saddened to learn that once again this government has decided that the bottom line is more important than the health of Canadians.

The *Toronto Star* recently reported that, as of March 31, 2008 —

Some Hon. Senators: Oh, oh!

Senator Milne: It is the only sensible newspaper in the country.

Senator Tkachuk: Oh, oh!

Senator Milne: The *Toronto Star* reported that as of March 31, 2008, the Canada Health Network will cease to exist.

The Canada Health Network is a collaboration of 26 organizations — government departments, universities, hospitals, libraries and non-profit health providers — that draw on 1,600 specialists across the country. It is the first of its kind in the world. Its website has been getting 380,000 hits a month and in the last year, its usage increased by 70 per cent. It has established a reputation as a trustworthy source in a cyber-world of drug manufacturers, health care conglomerates and self-promoters.

How does closing down the Canada Health Network show this government's commitment to meeting the health needs and interests of Canadians?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. In response to the reference to the *Toronto Star*, during the free trade debate Simon Reisman was questioned on something that was reported in the *Toronto Star*, and he yelled, The *Toronto Star*? That rag? You call that a newspaper?

With regard to Senator Milne's question, under Minister Clement, the Department of Health has undertaken many new initiatives to service Canadians on a host of health issues.

• (1450)

I will obtain a definitive answer from the Department of Health to the senator's question on the health network. However, many programs that the Minister of Health is engaged in reflect the new reality we face in health care.

Minister Clement is currently in China or about to go there to deal with the serious issue of product safety. The government has committed to a number of new programs. Simply because a program was already in place does not mean that it must continue because this government may have better programs. In respect of the specific question, I will take that as notice.

Senator Milne: I thank the leader for that response, although I am not quite sure what Simon Reisman's opinion of the *Toronto Star* has to do with the health of Canadians. I know that Minister Clement launched a website in October to provide users with information about all programs of the government. However, missing from Minister Clement's new site is any reference to links between health and the environment, disease, poverty, violence and gun control. In addition, the site does not touch sensitive topics such as abortion, genetically modified foods or sexual abuse. The subject of mental illness is completely overlooked. The Canadian Health Network looked at controversial questions from all sides and was constantly updated as new knowledge became available.

Would the Leader of the Government in the Senate inform honourable senators as to how much the Government of Canada invested in the Canadian Health Network on an annual basis, since it opened; and how much will be saved from the bottom line instead of providing comprehensive and unbiased information on health care to Canadians?

Senator LeBreton: I thank the honourable senator for the question. Perhaps people around here are losing their sense of humour. I made a reference to the *Toronto Star* because the honourable senator had made a reference to the *Toronto Star*. as being the only sensible newspaper. I was trying to inject a little humour, but I apologize for trying to be a little light on occasion.

I am surprised that the honourable senator mentioned mental health because for years Canada was the only G8 country in the developed world that did not have a national mental health strategy. Who was in power when that happened? As the honourable senator knows, our former colleague, Senator Kirby, heads up the newly established national Mental Health Commission to work with stakeholders and the provinces to address a very serious illness that affects one in five Canadians.

With regard to issues of abuse, many of these matters are dealt with by other departments. The government sees a segment of the environment as very much a health issue. The honourable senator has asked for specific details that I will be happy to try to provide.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a number of Canadians who are concerned about the impact of arthritis in Canada. They join us today as part of the Alliance for the Canadian Arthritis Program and are led by their co-chairs, Dianne Mosher and Gordon Whitehead. They are guests of the Honourable Senator Comeau. On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

CONFLICT OF INTEREST COMMITTEE

MEMBERSHIP

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before we go to Orders of the Day, I have been asked by a number of senators in the chamber as to when the Conflict of Interest Committee will organize its activities. This is for information purposes only at this time. The motion would have to be moved in a more formal way once we know the name of the fifth member.

• (1455)

Could I ask the Leader of the Government in the Senate if she could provide the four names, who would then seek further names to serve as the fifth member?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the four names for the Standing Committee on Conflict of Interest for Senators are Senators Andreychuk, Angus, Carstairs and Joyal.

ORDERS OF THE DAY

DONKIN COAL BLOCK DEVELOPMENT OPPORTUNITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill C-15, An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada—Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

He said: Honourable senators, I am very pleased today to have this opportunity to speak in support of Bill C-15, the Donkin Coal Block Development Opportunity Act. This is a very important day for Cape Breton and, indeed, for all of Nova Scotia.

This legislation is about future jobs and prosperity for the region. The Donkin undersea coal block is located offshore of Cape Breton Island. Development of this resource has the potential to bring significant economic benefits to Cape Breton and Nova Scotia.

First, Donkin means employment, creating some 275 new jobs and up to 700 indirect jobs. Donkin also means hundreds of millions of dollars for the provincial economy in salaries, equipment sales, and goods and services. Those are the immediate benefits — and there is much potential for a lot more benefits.

Donkin and the economic activity that it will generate could lead to other economic development opportunities for Cape Breton. Donkin signals the return of an industry that was once vital to this region of Canada.

Honourable senators know of the history of coal in Cape Breton. The island was settled largely due to coal, and coal mining provided the main livelihood for many islanders for more than 100 years. As a result, coal mining has shaped the culture of Cape Breton. Many Cape Bretoners today can trace mines in their families going back decades. They are proud of their heritage and would welcome a resurgence of coal mining in this region.

The Donkin block is part of what is called the Sydney coal field, a resource that has made an enormous contribution to the economy of Cape Breton. It is estimated that 450 million tons of coal was taken from the Sydney field between 1863 and the year 2000. It was the largest coal resource in Eastern Canada. Donkin is the last block of coal that can be mined from the coast.

In December 2004, the Province of Nova Scotia issued a call for proposals to explore the feasibility of developing this resource. A year later, Nova Scotia announced that the Xstrata Donkin Coal Development Alliance was the successful bidder.

The company immediately launched a multi-million dollar study to evaluate the potential for bringing a mine into production. The study is currently under way, with a major decision point in February 2008. If all goes well, a positive decision in mine development will take place next August.

From a resource standpoint, everything appears favourable so far. However, for Xstrata to come to a positive decision, there is another issue that needs to be clarified.

• (1500)

Both the Government of Nova Scotia and the Government of Canada claim ownership and jurisdiction over the Donkin resources. This bill provides a solution to regulatory overlap. Both the federal and the provincial governments contend that they have legal obligations regarding matters such as regulating resource development, and certain labour matters, including occupational health and safety.

This proposed legislation outlines the terms of an agreement between both the federal and provincial governments that will allow the development of Donkin, with all of the economic benefits, to proceed. This is an extraordinary example of goodwill on the part of the federal government and the Province of Nova Scotia. As a result, the path is now clear to move forward with the Donkin mine if the private sector decides that the mine is a viable and profitable option. Xstrata is looking for regulatory certainty before its February 2008 decision date because regulatory regimes affect costs. The objective of the bill before us, honourable senators, is to establish regulatory clarity and facilitate economic development and to do so in a way that is acceptable to both the federal and provincial governments.

In March 2007, federal and provincial officials agreed on an approach. That was quickly followed by a period of federal-provincial consultation with the public and other stakeholders. Assurances resulted and labour, community and industry groups both understood and supported the proposed regime.

Employee and employer groups, community organizations and the Canada-Nova Scotia Offshore Petroleum Board were all supportive and, as a result, we have a bill that is before us that all support.

The legal framework proposed in Bill C-15 covers resource development and a number of labour matters. These matters include labour standards, industrial relations and occupational health and safety. The bill provides the Governor-in-Council with the authority to make regulations that will incorporate provincial laws within the body of federal law. Any provincial law incorporated federally would be administered and enforced by the provincial officials. In turn, Bill C-15 excludes corresponding federal laws from applying to the Donkin coal block. By means of this legislation, both levels of government will be able to work together to ensure that occupational health and safety provisions will serve the Donkin miners well.

More specifically, Nova Scotia's Trade Union Act, the Occupational Health and Safety Act, and the Labour Standards Code will be incorporated into a federal statute in this bill. Nova Scotia has accepted to amend its occupational health and safety laws to include certain elements that exist under federal law. This is meant to provide the highest level of protection for the workers. The labour matters covered by this bill will not in any way sacrifice the doctrine of accountability, transparency, or health and safety for the sake of regulatory efficiency.

Bill C-15 also clarifies the matter of royalties. Royalties will be collected by the province and then remitted to the Government of Canada. The Government of Canada will then remit an equivalent amount to Nova Scotia. When I first saw that in the bill, I asked, "Why are they going that route?" The process seems circular: Royalties are collected by Nova Scotia, remitted to the federal government and then the federal government remits back to the province. The reason for this method is that the Financial Administration Act mandates that royalties need to be deposited in the Consolidated Revenue Fund. Therefore, royalties must go there first. However, an equivalent amount will be sent back to Nova Scotia by way of a cheque.

Bill C-15 provides a clear and stable regulatory system for the Donkin coal development. It also permits both levels of government to retain their positions with respect to ownership and regulatory jurisdiction. As all honourable senators will see, the immediate objectives of the bill are to facilitate provincial management of the Donkin coal block and to provide a clear regulatory regime to govern its development.

Bill C-15 is an outstanding example of cooperation between the federal and provincial governments to advance a common interest in seeing the development of the Donkin block. By introducing this proposed legislation, the Government of Canada is demonstrating its commitment to the economic development of the Cape Breton community and to the province of Nova Scotia as a whole.

Hon. Lowell Murray: May I ask the sponsor of the bill a question?

Senator Oliver: Yes.

Senator Murray: Honourable senators, when I was growing up in a mining town in Cape Breton, there was never any doubt as to where jurisdiction lay. Jurisdiction lay with the Province of Nova Scotia. The matters to which the honourable senator refers were governed by a statute called the Nova Scotia Coal Mines Regulation Act.

Does the honourable senator know why there is a federal claim of jurisdiction? Does it have to do with the fact that the mines go out under the ocean? Does it date back to the legal contests of the 1980s regarding offshore matters?

Further, I did not hear mention of the environment in the honourable senator's speech, nor does a quick glance through the bill reveal any reference to the environment. Has an environmental impact assessment of this bill, or of this project been undertaken? If not, when will such an assessment be done, and will it be done under federal or provincial auspices?

Senator Oliver: Honourable senators, I said that both Nova Scotia and the federal government claim jurisdiction over this project. Nova Scotia has jurisdiction through labour standards codes as well as health and safety.

The federal government's claim, as the honourable senator suggested, arises because this coal is not on land. This coal is 3.5 kilometres under the ocean. That is the jurisdiction to which the federal government lays claim. On that basis, the federal government believe that it does have a jurisdiction, and it is not losing jurisdiction under this bill.

Senator Murray: Honourable senators, I suppose it is a point of detail, but there were dozens of coal mines in Cape Breton that went out a number of kilometres under the ocean. These were governed by the relevant provincial statutes. I presume that Ottawa's claim goes back to the 1980s, when there was a legal contest in relation to offshore matters.

Senator Oliver: The coal is located offshore of Cape Breton Island, an area of federal resource ownership and jurisdiction. Federal laws are applicable to the Government of Canada and it has an obligation to enforce them. The federal government is not giving up those rights. Therefore, it negotiated with the Province of Nova Scotia for purposes of this one project, and that is what Bill C-15 does. This is a specific bill to deal with this particular coal mine.

Senator Murray: As the honourable senator suggested in his speech, both Nova Scotia and Ottawa have a claim, and in the 1980s it was agreed to set aside their legal cases and to negotiate.

Senator Oliver: The province and the federal government both have a legal claim; I hope the honourable senator understands that that is the purpose of this bill. Rather than take that matter to court, they say: "We have a body of coal that can give as much as $5 million a year in royalties to the Province of Nova Scotia. Let us do something about it now."

They came together and started the process in 2004; they entered into extensive negotiations and have proposed to come up with one statute that protects the rights of both the federal and provincial governments and to move forward.

The international company that has won the right to develop this project has stated that there is such a regulatory burden in working under this circumstances that they want the matter cleared up before they can proceed. They are prepared to spend millions of dollars to do so.

This bill is designed to give some regulatory certainty to the company that is doing the development.

• (1510)

Senator Murray: Does the honourable senator wish to respond to my question about the environment?

Senator Oliver: The question about the environment is something that can be looked at when the bill goes to committee. The federal government gave a grant of $11 million recently for research. The information that will come out before the committee from the department is that this study will show that virtually no environmental damage will be done as a result of the extraction of this coal. We do not know yet what will be done with this product when it is taken out. Will it be processed there, or will it be taken away? However, virtually no environmental damage will be done as a result of the grant of $11 million that the federal government has given for more research and development.

Hon. Tommy Banks: May I ask a question, senator? I apologize for not being here for your entire presentation. One of the saddest things we have ever had to do in this place was, in effect, to put the final nail in the coffin of the federal subsidy to the Cape Breton coal mines. That wrenching decision needed to be made. It was decided the federal subsidy must end of an industry that, as it was argued at the time, had no light at the end of the tunnel. We were seen to be supporting a way of life as opposed to an industry that had any chance of success. Is it the belief of the people who will operate this mine that they can operate it without subsidy?

Senator Oliver: Yes, it is.

On motion of Senator Phalen, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. W. David Angus: Honourable senators, I would be seriously remiss if I were to allow the debate on the Speech from the Throne of October 16 to conclude without commenting, at least briefly, on the critical subjects of Arctic sovereignty and northern development. My interest in the protection and development of the vast territories and waters that constitute Canada's Arctic and polar regions dates back almost 50 years. I was delighted to learn that it is now front and centre on the government's policy agenda and list of priorities.

I was an impressionable young Canadian sitting in warm June sunshine with my family in front of Nassau Hall at Princeton University in New Jersey. We were with my fellow members of the class of 1959, attending ceremonies marking our graduation from this great American institution of higher learning. Can you imagine, honourable senators, how proud I was, as a foreign student, to see Canada's new and dynamic Prime Minister, the Right Honourable John George Diefenbaker, rise to receive an honorary doctorate amidst glowing praise from the university president? At that point, the audience was unprepared for what was to follow. Our striking Prime Minister, with the wavy white hair, piercing blue eyes and clear and captivating voice, approached the podium, and he proceeded to deliver an old-fashioned barn-burner as our commencement address. My classmates marvelled at Old Dief's inspirational oratory, and my heretofore apolitical family and I became instant Tories.

Dief's words rang out and reverberated amongst the ivy-covered buildings of the Princetone campus:

> Ah, yes, my friends, I think of a vast program on Frobisher Bay on Baffin Island in the Canadian Arctic, hiding resources that Canadians have little realization of.
>
> We have started a vast roads program for the Yukon and Northwest Territories which will open up for exploration vast new oil and mineral areas — ah, yes, thirty million acres. We have launched a seventy-five million dollar federal-provincial program to build access roads. This is the Vision . . . our northern vision. We are fulfilling the vision and the dream of Canada's first Prime Minister, Sir John A. Macdonald. But Sir John saw Canada from East to West. I see a new Canada. A Canada of The North! We have plans to carry out a legislative program of Arctic research, to develop Arctic roots, to develop vast hidden resources.

It was vintage Dief. He rambled on and on, with his audience, everyone, paying rapt attention to each and every word. I was totally sold by the time he had finished and had later shaken my hand, along with those of several other Canadian graduates. I could not wait to go home to Canada to join what he called the YPCs — Young Progressive Conservatives. He said, "Young man, you will help tame the wilderness that had always whispered to the Nation's adventurers." Honourable senators, my political stripe was firmly and forever established that day.

Honourable senators, much has happened during the intervening half century. We have awakened to the fact that mankind has systematically damaged the earth's atmosphere and its natural surroundings. We became sensitive to the critical need to protect our environment — our air, our water and our ecologically sensitive lands. We became more and more aware of

the challenges posed by the rugged and often extremely unfriendly northern terrain. We woke up to the rights, the needs and the aspirations of our Aboriginal peoples, including the Inuit and others living in the North. We lived through repeated versions of energy crises, and we became more and more aware of the value of the undeveloped oil and gas resources and rich mineral deposits in the North. We have become more and more sensitive to and concerned about national security issues, including the menace of terrorism, and how important it is to our national strength, security, and well-being that Canada's sovereignty in the Arctic regions be well established, confirmed and recognized by the international community.

Perhaps, honourable senators, most important of all, we have come to believe and understand that major climate change is taking place, with both negative and positive results, especially in the Arctic and the polar regions, where the icecap and glaciers have been receding and melting with profound effects on the human and animal population of the North and elsewhere. This morning in *The Globe and Mail* we read about the plight of the polar bears. Two-thirds of this generation of polar bears in our North are becoming extinct. This list goes on and on, whether it is the fish or other sea species so important to the livelihood and the ecology of the North.

The Harper government sees these developments as critical, none more so than the opening up or thawing of the Northwest Passage at an accelerating rate, with far-reaching potential effects on international trade and shipping. It also raises thorny geopolitical issues with commercial, military and sovereignty consequences.

As well, as Peter C. Newman chronicled so fascinatingly in his book, *Renegade in Power*, more was accomplished in the Canadian North during the five Diefenbaker years than in any previous period of the nation's history up to that time. Sadly, the results never came within a light-year of the expectation aroused by Dief's exciting "Northern Vision" as expressed repeatedly during the 1958 general election campaign and subsequently.

Much was accomplished, especially with Dief's Roads to Resources Program. There can be little doubt that the future viability of oil and gas development in the North benefitted greatly from the vision. The non-fulfillment of the vision, however, had many causes, political and otherwise. As Newman wrote, though:

> The real trouble was, rather, in the character of the North itself. Political rhetoric, no matter how inspired, could work little magic in that inhospitable barren land.

• (1520)

Honourable senators can imagine how pleased I was to hear our elegant and inspiring young Governor General here in this chamber on October 16 state, *inter alia*, about our North:

> But the North needs new attention. New opportunities are emerging across the Arctic, and new challenges from other shores. Our Government will bring forward an integrated northern strategy focused on strengthening Canada's sovereignty, protecting our environmental heritage, promoting economic and social development, and improving and devolving governance, so that northerners have greater control over their destinies.

Honourable senators, rarely have I read or heard such a non-controversial or non-partisan statement of public policy, with objectives that, at least on their face, appear universally acceptable to all Canadians. Hopefully, we can all agree to actively support and promote this critical northern development and Arctic sovereignty aspect of the government's agenda.

Yes, honourable senators, these proposals are very ambitious and, yes, they will be very costly to implement, but surely the short- and long-term benefits for Canada at large, for our northern inhabitants in particular and for our future generations are obvious.

I suggest, honourable senators, that we are facing here a no-brainer. I urge us all to get behind and enthusiastically support the proposed initiatives to, first, establish and have confirmed and recognized internationally, once and for all, our sovereignty in the Arctic, and especially over the Northwest Passage — and, honourable senators, as Prime Minister Harper has said repeatedly, we must use it, and we cannot afford to lose it; second, to improve living conditions in the North for First Nations and Inuit through better housing; third, to build a world-class Arctic research station that will be on the cutting edge of Arctic issues, including environmental science and resource development — a research station built in the Arctic by and for Canadians but also to serve the global community; fourth, to complete the comprehensive mapping of Canada's Arctic seabed; fifth, to build eight new Arctic patrol ships to complement increased aerial surveillance in guarding Canada's Far North, including the Northwest Passage; sixth, expanding the size and capabilities of the Arctic Rangers so they can better patrol our vast Arctic territory; seventh, the development of an Arctic warfare training centre and the deployment on an ongoing basis of at least 1,000 Canadian soldiers in the Arctic; and finally, the construction of a modern state-of-the-art and fully equipped deepwater port at Nanisivik on northern Baffin Island. Nanisivik is already a functioning port and is ideally located at the eastern entrance to the Northwest Passage. The plan is to invest approximately $100 million to upgrade this potentially great Arctic port and to have it fully operational by 2015, if not sooner.

Honourable senators, there are various complicated issues of international law that bear upon whether Canada's sovereignty claims in the Arctic are in all respects valid. I shall not go into the details of these today, but they are important and interesting and I shall revert to them on another occasion. There is no doubt that Canada's arguments are strong and, in most cases incontrovertible, but in some aspects of our claims doubt does exist. I submit that it is critical to our nation's future well-being, to our ongoing national security and prosperity, that these doubts be dispelled without delay. We must do all possible to establish that the Northwest Passage constitutes an historic, internal Canadian waterway — those words have legal, special meaning — a claim disputed by the Americans, the Norwegians, the Danes, the Russians and several others.

We can all remember, honourable senators, the embarrassing and provocative cases of the U.S. supertanker and ice-strengthened *Manhattan* in its voyages of 1967 through

1970, as well as the U.S. Coast Guard vessel *Polar Sea*, which, in 1985, transited the Northwest Passage without even asking Canada's permission.

We need to convince the international community of the legal validity of our Arctic sovereignty claims. This is urgent and critical. The government's proposed integrated northern strategy will go a long way to help us accomplish this goal.

Furthermore, as Franklyn Griffiths wrote in his 1987 book, *Politics of the Northwest Passage* — and I quote:

> . . . latent attachments to the Passage and to the Arctic spaces it represents are lodged deep in Canadians' conceptions of themselves as a people.

Honourable senators, the Speech from the Throne describes a new northern vision for Canada. Let us ensure that it is realized and does not become but a mirage. Please let us all unanimously support the government's new integrated northern strategy.

Hon. Roméo Antonius Dallaire: I should like to ask a question of Senator Angus. My question refers to the new northern Arctic strategy. In 1987, the Conservative government issued a White Paper on Defence, entitled "Challenge and Commitment: A Defence Policy for Canada." That paper called for an Arctic base, in fact an Arctic Base of significance, tri-service. It discussed the creation of a permanent force out of the Rangers, in order to improve their capabilities. That white paper discussed an upgrade of the Aurora aircraft, to provide more surveillance. The defence white paper also talked about nuclear-powered submarines to provide sub-surface surveillance. It talked about the possibility of nuclear-powered icebreakers and even a circumpolar alliance in order to establish our presence there and to create a synergy between the enormous background that the Russians have in the Arctic and our still-steep learning curve.

The only problem with all of that is that the same government put no cash behind it, and the whole thing crashed in 1989.

What tells the honourable senator that we will have more than a vision or pie in the sky? Does Senator Angus believe that his government will invest tens of billions of dollars to make that vision a reality?

Senator Angus: I thank the honourable senator for that question. I know amongst my colleagues in this chamber there are few who know as much as he does about this subject. I am sure he will agree with me and share my hopes that we can indeed place our confidence in my leader, the great Prime Minister Stephen Harper, who has undertaken to put this northern integrated strategy in place and to seek from Parliament the authority to spend the monies needed to accomplish these ends, which are so critical to our well-being.

[*Translation*]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is an honour for me to speak last today and join in the comments on the Speech from the Throne.

Because I am a practising Catholic, I would like to quote from the Bible, in the book of Proverbs, "Where there is no vision, the people perish." These words are also inscribed on the Peace Tower in Ottawa, and unfortunately, their spirit imbues the Conservative government's latest Speech from the Throne from start to finish.

Given that the clash of ideas and views is the life blood of Parliament — and democracy itself — I am glad to have this opportunity to comment on and criticize the government's Speech from the Throne, which launched the current session on October 16.

First of all, since it is customary to recognize the participation and contribution of the mover and seconder, I must congratulate Senators Comeau and Brown for their eloquent and passionate support for the government's action plan. Even though we do not share all their conclusions and their certainty in this regard, we remain convinced that these two senators do credit to this chamber and serve it with energy, talent and conviction.

[*English*]

I wish to commend as well Governor General Michaëlle Jean for her grace, dignity and eloquence in delivering the Speech from the Throne. She inspires us all and she is an outstanding model of the contribution immigrant women make to this country — a theme we had occasion to celebrate in October during Women's History Month.

[*Translation*]

Honourable senators, barely five weeks ago, the Conservative government presented its action plan for the coming session. Stating the objectives of a better, stronger, more secure Canada and five major priorities for achieving those objectives, the government delivered a program that unfortunately lacks inspiration, vision and daring.

For a government, a throne speech is supposed to be an opportunity to rally Canadians around a common enterprise, to inspire them to greatness, to instil in them a new and greater national pride, in short, to remind them of where they come from, who they are and, most importantly, all they can do and be.

• (1530)

Although all our fellow citizens would like to continue to build a better Canada, to use the government's expression, this action plan does not go far enough to help them make Canada a world leader in such matters as the environment, the economy or social justice. This is a narrow program with a short-term vision, focused exclusively on an electoral deadline; in short, a patchwork of tired refrains, broken promises and wilted pages from an old program.

[*English*]

From the last Throne Speech's empty promises, allow me to underline the government's failure to come through on its child care commitments. Surely, my colleagues will remember that the government had promised to create 125,000 new spaces in its 2006 action plan. Unfortunately, in late September of this year, the minister responsible confirmed that the government could not deliver on that commitment. Instead of addressing the issue with resolve and maturity, the minister threw up his arms, admitted defeat and blamed the provinces. Such a lethargic and

faint-hearted approach makes me wonder whether the government realizes that Canadian families in some cities are forced to wait an average of two years before securing a public child care space. Instead of squabbling with the provinces, the minister should start being a little more creative in determining how his government will keep its promise. In doing so, he might begin by drawing inspiration from the previous Liberal government's national early learning system.

Honourable senators, from the shortcomings of the last Speech from the Throne, I will now turn to those in the current one, which is a five-point program featuring federal reforms, tax cuts, crime, environment and national defence.

[*Translation*]

Since the government's intended reform of our federation will directly affect this Chamber, I will address that issue first.

Over the past few weeks, the government has spelled out its commitments on this by presenting the two bills on Senate reform from the last session. This shows the government's insensitivity and irresponsibility and its disdain for the provinces.

The purpose of the Senate is to ensure balance between the regions of Canada and to represent the interests of the provinces. Instead of involving the provinces in its reform plans, the government is excluding them and instead of listening to the views expressed by many of the premiers, he is ignoring them.

Let us remember that the Standing Senate Committee on Legal and Constitutional Affairs concluded, in June of this year, that Bill S-4 would raise a number of constitutional concerns if passed without any consultation with the provinces. Given the scope of the challenges, we came to the conclusion that Bill S-4 should be referred to the Supreme Court of Canada.

But instead of respecting the provinces and benefiting from the wisdom of the constitutional experts who came to our committees, the government has shown that it did not hear a thing and does not want to hear a thing. It came back with half-baked legislative measures that will allow any prime minister who wins two consecutive elections to appoint every senator. These measures will create an electoral illusion, smoke and mirrors meant to calm certain elements of the Conservative Party, but certainly not the Canadian public.

[*English*]

Moreover, by giving parliamentarians an ultimatum to reform the Senate, and threatening to abolish it if they do not, by refusing to bring in the provinces, the Prime Minister is playing a game of bulldozer federalism.

[*Translation*]

Honourable senators, the official opposition will support a reform of the Senate that is based on sound political principles, respects the Constitution and encourages provincial participation. Unfortunately, the government is coming back with a flawed and improvised proposal that is sorely lacking in imagination.

In addition to reforming the Senate, the government is also committed to restraining the federal spending power, as it relates to new programs in federal jurisdictions. I am going to comment on this issue by adding my voice to that of Liberal Party leader Stéphane Dion.

The wording used in the Speech from the Throne regarding the federal spending power is more limited in scope than the current framework for this power, under the 1996 social union agreement that was signed by all the provinces. This is particularly true considering that the new wording only applies to cost-shared programs, which have become almost non-existent.

The global agreement had a broader scope that included all types of transfers to the provinces. That agreement not only specified that the support of a majority of provinces was required to implement any Canada-wide initiative, it also recognized that the federal government could not establish programs on its own.

Before pushing this issue further, the government should assemble the provincial premiers, as it also should regarding its Senate reform proposal.

[*English*]

Honourable senators, besides Senate renewal, the Speech from the Throne also contains proposals pertaining to tax cuts and the economy. While the government has promised to provide economic leadership and a prosperous future for us all, the means it has proposed to do so fall short of the mark. In fact, its promised cut to the GST is a prime example of the short-term policies of a government focused only on the next election.

[*Translation*]

In its *Report on Business* at the end of October, *The Globe and Mail* reported a very wide consensus among Canadian economists that the Conservative government's proposal to reduce the GST was flawed. Also, an OECD report published in October indicates that the preferred approach in that regard should be to maintain the consumption tax and reduce personal and corporate taxes. Based on that study, any reduction in personal and corporate income tax tends to stimulate economies and the investments necessary to increase our productivity, enhance our competitiveness and improve our living conditions.

[*English*]

The government's wrong-headed, opportunistic and election-minded GST cut points to another shocking failure in the Throne Speech's economic proposal: its total lack of an action plan for dealing with poverty and homelessness.

In Canada today, nearly three million families, over half a million seniors and more than one million children live in poverty, while some 300,000 people remain homeless. That is a bleak picture made even darker by the latest World Bank figures underlining that the gap between the rich and the poor in this country has reached Third World proportions. Yet, all the Speech from the Throne offers to repair this tattered social fabric are a few bland statements and a handful of wishy-washy commitments. Moreover, last night's report on poverty in the largest city of Canada, Toronto, presented clear evidence of this government's lack of concern for reducing poverty.

[*Translation*]

Progress should not be measured by how much we add to the prosperity of the wealthy, but rather by how we meet the essential needs of the less fortunate. By failing to provide measures that would lay the foundations for real progress in that respect, the government is shirking its ultimate responsibility to ensure the well-being of every citizen. The government must change course, and should it need guidance, it could leaf through the plan to combat poverty developed by the Liberal leader, Stéphane Dion.

[*English*]

Honourable senators, joining poverty on the list of topics short-changed by the Speech from the Throne is the environment. Although the government deserves credit for expanding the Nahanni National Park Reserve, it gets failing grades when it comes to protecting our ecosystem and fighting climate change.

Last summer, I had the opportunity to organize and lead a consultation tour throughout Quebec's 14 regions. Honourable senators, the people in my province are very worried about this problem and expect the government to come up with serious solutions to it.

However, instead of offering strong protective measures, reasonable targets and a clear plan, the government settles for soaring rhetoric, claiming the targets it has set for reducing greenhouse gas emissions are among the most aggressive in the world. Yet, the Deutsche Bank has said that the current approach will most likely ensure that Canada's greenhouse gases will continue to rise until 2020. The same bank also noted that the Canadian government seriously exaggerated the costs of complying with Kyoto.

Although the Speech from the Throne commits to bringing forward elements of the clean air legislation from the previous session, that will not be nearly enough to combat global warming.

• (1540)

A scientific panel of the United Nations has said that to avoid the most serious effects of climate change, countries like Canada must reduce their emissions by 25 to 40 per cent below 1990 levels by 2020. Unfortunately, Canada is among the few countries that have chosen to ignore UN warnings to set targets to ensure global warming stays below those levels. Even if the government reaches its own targets, our emissions will remain above the mark set for us by international experts. Moreover, the government's solution to all this — its very own climate change plan — has been criticized as unworkable by seven major independent organizations, including the National Energy Board and the National Round Table on the Environment and the Economy.

The government seems unable to heed such advice or entertain opposing views on this or any other issue. Last week, the Minister of the Environment excluded opposition members from Canada's official delegation to the upcoming United Nations conference on climate change in Bali. I hope that today the Leader of the Government in the Senate will recognize, reconsider and recommend the participation of Senator Mitchell and others who have an extensive knowledge on environmental matters to attend this conference with the government. This shameful practice of exclusion started last year when the Conservatives banned various stakeholders and organizations from attending the UN conference.

[*Translation*]

Honourable senators, as proof that the Conservatives are working behind the scenes to sabotage any international climate change progress, I would like to mention the following: last Friday, out of the 53 Commonwealth countries, only Canada and Australia refused to sign a final declaration to fight climate change, whose goal was to present a united Commonwealth front in preparation for the Bali conference. We should note that with last Saturday's election of a new, more environmentally friendly government in Australia, Canada now stands alone on this issue among Commonwealth countries.

[*English*]

We must put a stop to these backroom antics. Climate change is the most pressing global issue of our time, and we must work together to address it. The government must take action, adopt a more cooperative attitude and go back to the drawing board. It must replace its weak approach with a real action plan to help meet our Kyoto commitment, a piece of legislation adopted by this Parliament.

Honourable senators, from devising unworkable plans and engaging in backroom dealings on the environment, the government has resorted to using smoke and mirrors to hide its tracks on the criminal justice and security file issue to which I will now turn.

The linchpin of the government's Throne Speech proposal in this regard, the so-called "tackling crime bill," basically re-jigs five bills from the last session into omnibus legislation, boldly stating that Bill C-2 would be a matter of confidence. The Prime Minister claimed the bill would deal firmly with crime. He explained, It would ensure stiffer sentencing for gun crime, provide stricter bail requirements for accused gun criminals, keep dangerous offenders behind bars and crack down on drunk drivers. The bill is a matter of confidence, he said, because it is a key part of his program, adding that the opposition has no reason to delay since it had campaigned in support of its principles and had wasted enough time studying the matter anyway.

Lamenting that much of his crime legislation from the last session had not passed, the Prime Minister accused the Liberals of obstructing his bill. He failed to mention, however, that his government delayed its own legislation by repeatedly turning down opposition offers to fast-track those bills.

[*Translation*]

Honourable senators, I would like to point out some facts about this. In 2006, after its first Speech from the Throne, the government introduced 13 crime bills. The official opposition supported 10 of these. But instead of accepting our offer to fast-track them, the Conservatives chose to let six of their bills die on the Order Paper and Notice Paper and then accuse us of obstruction. Also, as more proof of its desire to pass these bills, the official opposition suggested that all the parties agree to deem Bill C-2 read the second time and thus immediately refer it to a committee. We hope that the government will show good faith and prove to be more cooperative this session.

[*English*]

Honourable senators, from examining the government's backroom manoeuvring on the environment and refuting its claim that the opposition was stalling crime legislation, we now turn to the ambiguity in the Speech from the Throne in regard to Afghanistan.

[*Translation*]

The government claims that it wants to take a responsible and effective approach in Afghanistan, yet all it will say is that it wants to let Parliament decide what will become of the mission after 2009. The government has indicated that it would prefer to prolong the mission until 2011, and that the primary goal should be to train Afghan security forces, but it has not said whether its plan includes a combat mission. In order to buy time while refusing to reveal its real game plan, the government has asked Mr. Manley's working group to study four possible scenarios and come up with recommendations. It seems silly to ask the group to study these four options when the government has already indicated its preference for one of them, accelerated training for Afghanistan's police and army.

Regardless, the official opposition believes that the government should show greater transparency and leadership on this issue. It should inform NATO and the Afghan government immediately that our combat mission in Kandahar will end in February 2009. That would ensure that arrangements could be made for replacement forces and would enable Canada to determine how best to help with reconstruction in Afghanistan.

[*English*]

Honourable senators, although I have focused on the shortcomings of the Throne Speech up to this point, I wish to underline that there are some positive aspects to it, including the government's plan to broaden the scope for the action plan for official languages. As well, we are heartened by the government's commitment to assert Canada's sovereignty in the Arctic by building a world class research centre, mapping the Arctic sea bed and expanding aerial surveillance. We also look favourably on the government's commitment to Haiti and to provide better support for veterans. Moreover, while there are many other aspects of the Throne Speech I could comment on, both good and bad, I will wrap up with a few general observations arguing that the government fell short of the mark overall.

[*Translation*]

Honourable senators, our fellow citizens were hoping that their government would restore Canada's international reputation, ensure a prosperous future, clean up the environment and maintain public order via a flexible, effective and workable justice system. Even though the government stated these very objectives in its Speech from the Throne, it has failed to put forward a single measure, vision or approach that might rally, inspire or excite Canadians.

The speech was nothing more than a rough draft made up of assorted notes, a few rudimentary ideas, and some vague commitments. I would like to remind the government that we are still waiting for it to commit to helping the manufacturing sector in Ontario and the rest of Canada. We hope that this government will address some of the real problems affecting Canadians rather than start its election campaign early.

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I rise to address the Speech from the Throne that was delivered by Her Excellency the Governor General in this chamber on October 16. At the outset, I acknowledge and thank my colleagues, my seatmate, Senator Comeau, and our newest senator, Senator Brown, for moving and seconding the Speech from the Throne in this chamber.

As honourable senators will recall, the speech set out the government's plan and outlined the overall direction of Her Majesty's Canadian government for the coming session of Parliament.

We are fortunate in this country to enjoy peace, order and good government. I say this with the expectation that there would be objections expressed by some honourable senators — thank you, Senator Cools — however, I am confident that even they realize that as the third-oldest continuous democracy in the world we enjoy great freedom and liberty. One only has to look at the turmoil ripping apart countries such as Pakistan and Zimbabwe to realize that we are truly blessed. This blessing has come both in terms of our institutions and the representatives of the populace, some of whom are more effective than others. Nevertheless, we are a very fortunate country. As Her Excellency said in her speech, "Canada is the greatest country in the world."

• (1550)

However, we must not become complacent and simply allow certain dysfunctional institutions to tick along without proper attention. Nowhere is this more evident than in the upper chamber. Our government is seeking to provide Canadians with a more democratic upper house, something that has been on the minds of citizens practically since Confederation. Yet, for a variety of complex reasons, from patronage and partisanship to ignorance and indifference, change has rarely been addressed in such a meaningful and constructive way.

Another area of concern is the declining voter turnout that has been a fact of political life over the past few decades. This is an issue that I will address further in my speech, for it is one that strikes at the very root of our democracy and our democratic system and the enjoyment of freedom and liberty from sea to sea to sea.

As Her Excellency mentioned, this year we marked the fiftieth anniversary of the occasion when Her Majesty the Queen became the first reigning sovereign to open our Parliament. The image of Her Majesty and Prince Philip sitting at the front of this chamber, accompanied by the Right Honourable John George Diefenbaker is one familiar to many Canadians, and certainly one that I remember fondly.

This year also marks the fortieth anniversary of the establishment of the Order of Canada. Indeed, the first investiture was held 40 years ago this very week. Again, we are reminded of the dynamic nature of our country and its citizenry, a dynamism that our government seeks to further enhance.

The Speech from the Throne provides an occasion to reflect upon not only our history, but also the recent achievements of our government and the plan that we have set forward for the future. This plan will help to improve the well-being of all Canadians through the lowering of the tax burden, a more stringent and effective Criminal Code, a realistic plan for the preservation of our natural environment, improvement of our parliamentary institutions and an overall economic policy that will continue to promote growth and stability. The overall theme of the Speech from the Throne that opened the second session of our current Parliament is "Strong Leadership. A Better Canada."

Our country has been built through imagination and dynamism that has brought people together from around the globe at different times. Citizens expect their government to build upon this legacy of innovation and progress and to provide a framework within which they can reach their full potential, particularly as my colleague Senator Angus focused on Canada's North.

Canada's North has long played an important role in defining who we are as Canadians. Our government is taking bold steps to protect Canadian sovereignty and to better utilize the opportunities that the Canadian Arctic holds.

Through the establishment of a world class Arctic research station that will focus on environmental science and resource development, we are enhancing Canada's place as a leading Arctic country.

We have long known that the truism "use it or lose it" has great relevance to the North, and we are listening to First Nations and Inuit who have long called for a more comprehensive plan to protect our Arctic territory, its environment and its resources.

During the Second World War, the *St. Roch*, a Royal Canadian Mounted Police patrol boat, sailed the waters of our North to protect them from unwanted incursions, proclaiming to the world that this region is an integral part of Canada. We will continue not only to proclaim our sovereignty, but also to make it felt. Although different in landscape and climate from other parts of Canada, the North is as much a part of our country as British Columbia or Prince Edward Island.

Simply put, honourable senators, protecting our Arctic is one of the most significant priorities of our government. Through a dynamic and multi-faceted plan, our government is working to realize the opportunities the Arctic offers. Through protecting our environmental heritage while promoting social and economic development, we will also be giving the citizens in the Territories more control over their affairs and collective destiny within the Canadian federation.

Who better to safeguard Canada's North than those who reside there? We owe a sacred duty to the people of the Arctic and the Fathers of Confederation, such as Sir John A. Macdonald and Sir Oliver Mowat, who envisaged the Dominion of Canada that extended to the Far North.

The Arctic is certainly not of passing interest to this government. As announced in the Speech from the Throne, we will further assert our sovereignty in the Arctic through a comprehensive mapping of Canada's Arctic seabed, a project that has long been required.

Shortly after the opening of the First Session of the Thirty-ninth Parliament, our government announced that it would save the Canadian Map Office, which was slated for closure by the previous government. Canadians know that this government is serious about preserving and enhancing our sovereignty. Without modern maps and access to them, we cannot comprehend exactly over what we have sovereignty.

An integral part of protecting our sovereignty is the rebuilding of the Canadian Forces after more than a decade of neglect. We place a great value on the services and sacrifices made by the men and women who serve as members of Her Majesty's Canadian Forces. These citizens play a central role in safeguarding Canada and ensuring that we can play a positive role on the international stage.

Our government has invested heavily in the Canadian Forces, providing members with the modern equipment and supplies they require to discharge their duty. When a person becomes a member of the Canadian Forces, there is an implicit agreement between the individual and the government that the individual will defend Canada and its interests and that the government will provide that individual with the proper resources necessary to discharge that crucial duty. We are fulfilling our obligations in this regard more than ever. No more will we be sending soldiers into the field with improper equipment.

Canada has returned as a credible player to the international stage. Too often, the previous government merely reflected upon the great achievements that Canada attained in the 1940s, 1950s and 1960s, without realizing that a constant effort has to be made to maintain our influence in the world. To be taken seriously as an independent country, we cannot simply rest on the laurels of past achievements. Pearson's Nobel Peace Price and Diefenbaker's historic stand on racial equality and the need to end apartheid mean little if we do not continue to promote our values overseas.

Our government will continue to seize opportunities to play a positive and constructive role on the international stage. Through the United Nations, the Commonwealth, la Francophonie and other multi and bilateral groups, Canada can play an increasingly positive role in the world, both next door and across the globe.

Cooperating with other countries that share our values of freedom, human rights, democracy and the rule of law, Canada is once again playing a key role as an international leader. Perhaps nowhere is this more evident than in our commitment to the United Nations sanctioned mission in Afghanistan. Canada and our allies are bringing hope to the people of Afghanistan where there was previously only despair and tragedy.

Canadians understand that this has come at a tremendous cost to our own people. Where would we be today if our ancestors had run away from defending Lundy's Lane or been absent from the liberation of Europe in 1944 and 1945? It is not part of our identity to abandon people in need and scurry away to become nothing more than willing collaborators.

Our commitment to constitutional democracy with economic openness, a social safety net, equitable wealth creation and sharing across regions allows us to help less fortunate countries, such as Haiti. As Haitians strive towards achieving a more

equitable and democratic society, they are able to not only look at Canada as an example, but also see Canadians in their own neighbourhoods, helping them to realize the potential of their country.

In the coming year, we will mark the four hundredth anniversary of the establishment of Quebec City and the two hundred and fiftieth anniversary of the establishment of representative government in Nova Scotia. No political system is without flaws, and ours continues to contain some significant anomalies.

The history of our institutions is one of innovation and modification. We have a long tradition of taking institutions with ancient roots and making them more relevant, functional and open to Canadians. That is the story of the birth and the flourishing of Canadian democracy that began almost 250 years ago in Nova Scotia.

In the field of Senate reform, our government has re-introduced legislation that addresses the issue of tenure and senator appointments. Indeed, it is comical to listen to the protests and cries from the other side of this chamber. What we often forget is that at one time, Canada possessed an elected upper house. The Legislative Council of the Province of Canada was an elected body from 1856 to 1862, with councillors serving — get this, honourable senators — eight years.

• (1600)

Senator Segal: Hear, hear!

Senator Comeau: Ah-ha, now it comes out.

Senator LeBreton: We have had more than a century of discussion about Senate reform, and few other issues in Canadian political history have been so persistent. While electing members of our upper house is not something that any of us remember, it is not foreign to our tradition of government. This reform is not a case of change for the sake of change, but rather change for the sake of opening government to Canadians.

In terms of the proposed length of Senate tenure, it is funny to hear some honourable senators complain that eight years is not enough, especially when one considers that, over the years, a number of our colleagues were appointed at the tender age of 68 or 71, and were only able to serve four to six years in this chamber. Yet this tenure did not prevent them from making a meaningful contribution. One has only to look at former senators such as Eugene Forsey or Dr. Yves Morin to realize that a senator's ability to contribute is related more to the senator's own predisposition to become fully engaged in the work of the Senate than to have been given the opportunity to languish in the Red Chamber for decades at a time.

Some senators have reflected on the fact that Senate tenure was one of the principles laid down by the Fathers of Confederation, as I heard an honourable senator say a few moments ago. This information is true, but the Fathers of Confederation also envisaged a body that would be populated, in perpetuity, solely by White males of a certain economic status. Oh, how far we have travelled and yet how far we still need to go. To continue this analogy, this further distance will be traversed through our bill on Senate tenure and our bill that will consult the Canadian people on the appointment of senators.

Our interest in enhancing our democratic structures is not limited simply to Senate reform, but will also be achieved through offering voters expanded opportunities to cast a ballot, and through safeguarding our electoral system from fraud through the requirement of visually identifying each elector.

We are also committed to providing better living conditions to the Inuit and First Nations people through better housing. In addition to this commitment, we will work to improve the conditions of Canada's Inuit and First Nations communities. In particular, we have introduced legislation that will guarantee that persons living on reserves will have the same protections and rights that other Canadians enjoy under the Canadian Human Rights Act. It is time to pass this legislation. We are also dealing with specific claims, and bringing expediency and fairness to the existing claims process. This initiative will address a number of long-standing issues and further improve the lives of many Canadians.

Our government believes passionately that the various watertight compartments of the Canadian federation — the various jurisdictions — must be respected to foster a more effective federal union; one built on each level respecting not only the responsibilities of each other, but the needs of the citizens within their particular jurisdiction.

We will continue to strengthen Canada's economic union. It is incredible to think that Canada is still riddled with interprovincial trade barriers. These have been in place far too long. It is unacceptable that it is often easier to sell a product to a foreign country than it is to sell it to a neighbouring province. These artificial barriers must come down. By improving interprovincial trade we can better realize the full potential of our economy, and also improve our productivity and ability to compete in international markets.

Through Advantage Canada, we have set out a sensible economic plan to ensure solid growth into the future and provided conditions that place Canadians in a better position to attain better-paying jobs.

The continuing program of tax reductions is already helping the Canadian economy to excel. The cuts in the Goods and Services Tax, reduction in personal and business taxes, will play a key part in enhancing our ability to compete.

Honourable senators, in the area of health and environment, our government will continue its dedication to promoting and improving the health of all Canadians. Most will recall Prime Minister Harper's announcement of the creation of the Mental Health Commission of Canada. This commission addresses an issue that no federal government had previously dealt with in a meaningful way. It was the persistent orphan of the Canadian health care system. Our government acted upon the recommendations of the Standing Senate Committee on Social Affairs, Science and Technology and created a body that will help facilitate a more open and coherent metal health strategy across the country. The one in five Canadians that will suffer from a serious mental illness over the course of their lives will no longer

be pushed into the shadows. This once voiceless group has been given a place on the national stage by this government, and I am happy that our former colleague, Michael Kirby, agreed to take this body on.

Further evidence of the dynamic and innovative approach that we have taken, not only in the field of health care but in the government as a whole, is an area that is near and dear to me, and that is seniors. Because seniors invested in Canada, our government is investing in seniors by listening and helping them gain access to benefits and services they are entitled to. They deserve no less.

We have already made great advances in improving services to Canadian seniors. We have increased Service Canada points of service throughout the country, enhanced mobile services for seniors, placed inserts in major daily and weekly newspapers about important news regarding Canada Pension Plan and Old Age Security, and contacted seniors directly to let them know about the benefits available to them.

Our government will continue to fight for seniors. We have achieved much in this area already through the establishment of the National Seniors Council. The council's mandate is to advise the government on issues of national importance to Canadian seniors. Few things better demonstrate our openness to positive change than involving people at the grassroots, such as the seniors council is doing. The council is helping to ensure that our government's policies, programs and services meet the evolving needs of seniors and the challenges Canada faces as a result of our rapidly growing and aging population.

Honourable senators, in the area of crime and crime prevention, through the safer communities strategy, our government will continue to make our communities safer places in which to work, play and grow.

On a personal note, you will not be surprised that I must express my delight at the proposed amendments to the Criminal Code, which better define impaired driving offences.

The federal government is offering resources that will facilitate the recruitment of 2,500 more police officers. This initiative will help to ensure safer communities and that those who commit offences face the appropriate punishment for their crimes. The bill tackling violent crime will help update the Criminal Code and protect Canadians.

Honourable senators, in conclusion, it is not surprising that some honourable senators have used the Address in Reply to the Speech from the Throne not as a time to reflect upon the serious and weighty matters dealt with by the government in a constructive way, but rather as an opportunity to spew unfounded statements that reveal their failure to digest the speech. Instead, they merely checked a few websites and blogs for opinions and talking points. Like pre-programmed automatons, some honourable senators opposite continue to have great difficulty in accepting that they are no longer in power. Our government is striving and succeeding in building a better Canada through strong leadership and innovative policies.

The propensity of members of Her Majesty's Loyal Opposition in the other place simply to sit on their hands when it comes time to vote on important matters of state is further evidence of how unfit they are to govern.

Honourable senators, I believe the plan of our government, set out by Her Excellency, is one that will bring a better existence to Canadians, greater prosperity, a cleaner environment and a better future for all.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and Address in Reply to the Speech from the Throne adopted, on division.

On motion of the Honourable Senator Comeau, ordered that the Address be engrossed and presented to Her Excellency the Governor General by the Honourable Speaker.

• (1610)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. John G. Bryden moved third reading of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Bryden*)

He said: I will be brief, as honourable senators have come to expect.

I want to thank all honourable senators and, in particular, the Standing Senate Committee on Legal and Constitutional Affairs, for the careful but urgent consideration that has brought Bill S-203 to this stage. Bill S-203 is identical to, and in the same form as, its predecessor, Bill S-213, which had reached committee stage after second reading in the House of Commons at the time of prorogation of the First Session of the Thirty-ninth Parliament.

If Bill S-203 passes third reading today, it will be sent to the House of Commons, where I believe it will be found to meet all the requirements of Standing Order 86.2(1) to have Bill S-203 referred to the House of Commons Standing Committee on Justice and Human Rights, which can then hold hearings, call witnesses and report the bill back to the House, with or without amendments, for third reading.

I ask honourable senators to support Bill S-203.

Hon. Sharon Carstairs: Honourable senators, I did not support Bill S-213 and I will not support Bill S-203. I wish I could speak positively about this bill but I cannot because it is such a tepid piece of proposed legislation. In my view, it does not in any way meet the needs of animals in this country. There is far too much cruelty to animals in Canada. Interestingly enough, honourable senators, studies have shown a clear correlation between those who act in a cruel manner to their animals and the way in which they treat their fellow human beings, in particular, children, women and other vulnerable persons. To accept less than what I believe we could have is anathema to me.

Honourable senators, I am a realist in politics. If we support this bill and it passes, it is highly unlikely that a stronger bill will come to us in the near future. I am well aware that a private member's bill has been introduced in the House by Mark Holland, MP, which is a stronger piece of proposed legislation. However, there will be little political will in either House to deal with a second bill on animal cruelty in the same session.

Honourable senators, I believe that one should not accept half a loaf when one could have a whole loaf. I will vote against this bill because it is woefully inadequate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Carstairs: On division.

Motion agreed to and bill read third time and passed, on division.

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Keon, for the second reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Comeau*)

Hon. Janis G. Johnson: I am happy to inform honourable senators that I support the designation of a special week in June each year as national blood donor week. Thousands of Canadians require blood or blood products for themselves or a family member, but less than 4 per cent of eligible Canadians donate every year. We must work to see this change. A national blood donor week will raise awareness of the importance of voluntary blood donation, and will encourage more people to become regular blood donors. In addition, it will be a time to thank those individuals who already selflessly donate blood.

The creation of a national blood donor week coincides with the World Health Organization's World Blood Donor Day. The June date is in honour of the June 14 birthday of Karl Landsteiner, discoverer of the ABO blood group system. The day is supported by three major organizations working for voluntary non-remunerated blood donation: the International Federation of Red Cross and Red Crescent Societies; the International Federation of Blood Donor Organizations; and the International Society of Blood Transfusion.

Bill S-220 lets Canada join in the international efforts with a full week of celebration. The majority of the world's population do not have access to safe blood. Canada's national blood donor week, along with World Blood Donor Day, will focus attention on the needs of those countries with less developed services. In Canada, we are fortunate to have access to high quality blood, blood products and alternatives. Canadians can rely on approximately 3.5 per cent of the eligible population to donate blood annually. Since a substantial number of Canadians will require blood or blood products at some time in their lives, it is time to see more Canadians become regular lifelong donors.

A blood donor week will give us the chance to honour donors in their acts of kindness and generosity, and to thank those who give blood on a regular basis. A yearly celebration would reinforce the message that blood is the gift of life and that a blood donation can save the lives of many. Demographics have shown that in the face of an aging population, the demand for blood and blood products will continue to grow, and so we need to encourage more Canadians to donate. The creation of a national blood donor week would be a nationwide celebration of blood donors across the country and would show that the spirit of giving to help our fellow Canadians is alive and well. We thank all Canadian donors who give the gift of life, and I urge honourable senators to vote in favour of Bill S-220.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Cochrane, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Chaput, for the second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans). —(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have absolutely no objection if Senator Hubley speaks to Bill S-205 at this time but this side would like to reserve the 45 minutes for the responder.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

• (1620)

Hon. Elizabeth Hubley: Honourable senators, today we will play a little game. Perhaps you are familiar with it, from episodes of "Sesame Street." It is called "one of these things is not like the others."

Here is my list: Court-imposed fines; court-imposed family payments; court-imposed damages in civil cases; court-imposed liabilities from fraud; and, government student loans.

The answer seems obvious, does it not? That is, unless you read the Bankruptcy and Insolvency Act. In this act, you find that all of these things are the same. When it comes to declaring bankruptcy, government student loans are treated the same way as court findings against an individual and are exempt from relief through bankruptcy. While the exception for student loans is only for 10 years, it still seems incongruous that student loans are lumped in with court-ordered payments. Senator Goldstein, in his remarks in support of Bill S-205, outlined some of the history behind this categorization — principally, the fear of widespread abuse of the bankruptcy provisions of the Canadian legal system by recent graduates.

First let me dispense with this myth. Not only is there no documented justification for this viewpoint, the reality is quite the opposite. There is substantial evidence to show that this viewpoint is wrong. Studies have looked at bankruptcy applications before this exception was enacted, and the conclusions were that there was no evidence of widespread fraud. Those people who were listing student loan debts in bankruptcy applications were those who were unable to profit from their education. The reasons for this were widespread, from disability through to declining job futures in a given field. It was evident that these were legitimate cases of people experiencing undue hardship; that is, people who needed a fresh start and people who the Bankruptcy Act was intended to help.

Why is there a special status for student loans? The existing provision leads to the assumption that any bankruptcy applicant with a student loan is fraudulent, that there is no valid reason to apply for bankruptcy relief for a student loan and, even worse, this is a blanket provision. The applicant does not even have the option of proving that they are honest and acting in good faith. The law does not provide for an appeal process or recognize that there can be a legitimate reason for applying for bankruptcy due to excessive student debt.

At present, students cannot hope for relief from overly burdensome student loans for 10 years. It does not matter if the student suffers from some disability that prevents them from earning a living. It does not matter if economic pressures prevent them from earning a living. It does not matter if family situations limit their choices. In most cases, their student loan is the main problem. If they find themselves in trouble, there is no hope. Although they may leave university full of promise for the future, much can happen in 10 years.

Honourable senators, I fully support this bill and congratulate Senator Goldstein for introducing it. In fact, I wish that this bill went farther, and removed fully the student loan exemption. There is no need to assume that students who need to seek bankruptcy protection are perpetrating a fraud. This bill will at least give them the opportunity to prove that they are acting in good faith, a simple option which is not available to them now.

Although we can start to impose some sanity into the system by passing this bill, I believe that we must go much further. After all, the underlying problem is student debt. As a society, we constantly repeat the mantra that the path to a prosperous future is through education, but successive governments have failed and are failing young Canadians. We repeatedly acknowledge the importance of education, not only to the individual, but also to the health of our economy and our society. In the meantime, the cost of education continues to increase. The response has been to give more loans to students, but is that really the answer? If we truly believe in the importance of higher education, why do we add to the system that burdens young graduates with huge debt loads? If we did not force high debt on our students, we need not worry about whether or not student loans are covered in bankruptcy legislation.

Perhaps a few figures will help to describe the situation faced by many students. Last year, Statistics Canada released a report entitled, "How Students Fund Their Post-Secondary Education," which looked at data up to the year 2002. One of the facts that jumped out at me was the increase in tuition. From 1990 until 2002, tuition increased by an average annual rate of 8.1 per cent. When one compares this to inflation, at an average annual increase of 1.9 per cent, one will see that tuition has increased four times faster than inflation. This report also noted that, when one looks at higher-priced university programs, the participants were predominantly from families from higher socio-economic backgrounds. This suggests that perhaps we, as a society, are limiting some programs to those who can afford the program, not those who are best suited for the program.

Another report released last year from Human Resources and Skills Development Canada analysed trends in student borrowing from 1990 to 2000. This study found that, although the percentage of university and college students who take advantage of government student loan programs remained about 50 per cent for the study period, the typical amount owed over this 10-year period increased by over 60 per cent. It is not surprising that this same study found that the number of students having difficulty paying back their loans has increased over the 10 years.

In conclusion, these statistics reveal an underlying problem: While we talk about the importance of higher education and the need to encourage students to pursue higher education, we then sit by and watch the barriers for those same students climb higher and higher. It is not surprising that we are here today talking about student bankruptcy. However, while this bill will remove one of the glaring faults in the system, and I fully support this initiative, we are missing the real point. Today I encourage and challenge all honourable senators to begin dealing with the real problem, the problem of student debt and the increasing cost of higher education.

Hon. Sharon Carstairs: Would the honourable senator accept a question?

Senator Hubley: Certainly.

Senator Carstairs: Honourable senators, let me congratulate the Honourable Senator Hubley on her speech and Senator Goldstein on this extremely important initiative.

Honourable senators, I want to set the stage by explaining my own error. I had thought that the six-month period following a student's graduation — and where they had not given indication that they were going to continue on school the next year — was a period which was interest-free. However, it is not. Interest actually begins to accrue the day the students have completed their course. The six-month period refers to a period of time when they can set up their repayment schedule.

I subsequently learned that the bureaucracy is taking some three or four months to respond to the student with respect to what this repayment schedule will be. If a student does not finish classes and begin immediately to negotiate how to pay back their student loan — should they let a couple of months go by — they will find themselves in default, and they will be listed in the statistics as a student in default.

Does the Honourable Senator Hubley believe that is fair to the students of this country?

• (1630)

Senator Hubley: I thank the honourable senator for her question. I also appreciate her illuminating the problem as it comes down on students. Of course, what Senator Carstairs has stated is correct and, of course, I do not agree with it.

Hon. Jane Cordy: Would the senator take another question? I should like to congratulate Senator Hubley on her speech, along with Senator Goldstein for raising this extremely important issue.

There are students in Canada with overwhelming debt. To not be able to declare bankruptcy until 10 years has passed since graduation puts a tremendous onus on a student, particularly in an age where so many of the jobs students are getting now are contract jobs. These young people are not guaranteed employment for a full year, and they have no benefits. They are getting short-term contracts one after the other.

I know the honourable senator has done some studies on this subject. I am wondering whether she has come across any information to suggest a correlation between students who are buried under debt and mental health problems? We are talking here of people in their late 20s only and who are faced with debt they cannot get out of. I have heard of depression and other mental health issues — and, in some cases, unfortunately, suicides — as a result of debt these students are facing.

Senator Hubley: I thank the honourable senator for her question. Again, she has shown to us the effects of heavy student loans on individuals.

One of the most difficult things today for our young people who have worked their way through university and accumulated a huge debt load, in many instances, is that they do not have any hope of getting the job they have worked all their lives for and received the training and the education to fulfill. That letdown is a difficult one.

That realization, when they get out of school and are faced with their debt, is difficult on our young people. In other words, we are pushing our young people back; we are not bringing them forward and providing the opportunity for them to be successful in their lives.

The other thing that is difficult about this subject is that we do not hear enough about it, so I thank the honourable senator for her question. I am sorry I do not have actual statistics to share with Senator Cordy, but I have heard many stories that tell me that what she has alluded to does in fact happen.

The Hon. the Speaker: Is there further debate?

On motion of Senator Comeau, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, the Deputy Leader of the Government has asked to stand the debate on this bill.

Again, I am encouraged by the fate of Bill S-203, Senator Bryden's bill to amend the Criminal Code, which had been sent to committee stage for one day, returned here and received third reading today, meaning that it will be reinstated at the committee stage of the House of Commons, where it was at the time of prorogation.

Bill S-215, which has now been called, is in the same situation. It was at committee stage in the House of Commons when prorogation overtook us. The only difference is that Bill S-215 has been passed on six previous occasions by the Senate.

May I ask the deputy leader to bring us up to date as to status of this bill and the government's intentions with regard to it?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I believe I indicated last week that the sponsor of the bill had indicated that she had three ministers who had supported the bill in writing. I have requested those letters to be sent to me, as critic of the bill.

I indicated at that time that, if there were three letters from three ministers who indicated their support the bill, I do not think it would take all that long for the bill to move forward.

I am still waiting for two of them. I have subsequently learned that one of the three ministers did not send that letter — I think it was the Minister of Heritage. I believe Senator Carney did correct the record. I am still waiting for the lead minister on this to advise us on his perception of the status of the bill so that I can properly do my job as critic of the bill.

Senator Murray: Honourable senators, I will let pass the rather unusual situation in which the Deputy Leader of the Government is a critic of a bill proposed by one of his caucus colleagues that is not my business.

With regard to the ministers, the lead minister to whom he refers is what minister?

Senator Comeau: If we are going to get into debate on this point — and I am not sure how proper this is. The honourable senator's question related to the status of the bill and whether I am going to move it today. The honourable senator has his answer; today is not the day, for sure.

I am prepared to provide further information, but I am not sure, at this stage of the proceedings, whether there should be a dialogue between him and me. I am not sure how appropriate this is. Perhaps the Speaker or the chair of the Rules Committee can provide further information.

However, I shall respond to the question and leave it up to the powers that be to decide whether this is a proper means to get into a dialogue.

As to the question of whether the Deputy Leader of the Government in the Senate can act as the critic of a bill, I shall leave that up to others as well. I do not know what the honourable senator's problem is with that, but I shall leave that up to him.

Regarding the lead minister on this matter, it is the Minister of the Environment. The Minister of the Environment effectively establishes the criteria by which heritage lighthouses would be designated as such. The other minister, the Minister of Fisheries and Oceans, is the minister from which the funding for heritage buildings comes. The Minister of Fisheries of Oceans provides the funding and the Minister of the Environment provides the designation process.

It should therefore be evident that this is more complicated than what the honourable senator makes it out to be at face value. It is a complicated bill, and it involves much more than Senator Murray makes it out to be, in spite of the fact that in his speech of last week, he did indicate that —

The Hon. the Speaker: Order. We are getting into debate. My understanding is that we were at the level of clarification. Is there debate on this item that has been called, or shall it stand?

Order stands.

[*Translation*]

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-201, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am the critic for this bill, which I think it is very interesting. If there are no objections from certain senators, I believe it should be referred to committee for examination.

On motion of Senator Cowan, debate adjourned.

• (1640)

[*English*]

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, for the second reading of Bill C-293, An Act respecting the provision of official development assistance abroad.—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I am delighted to rise to speak to Bill C-293, reintroduced some days ago by Senator Dallaire in this chamber.

While in Tanzania this past weekend, Prime Minister Harper announced a $105 million program to help train over 40,000 health workers. The initiative will also provide treatment for diseases such as malaria, measles, HIV/AIDS, tuberculosis and malnutrition for the impoverished in Africa and Asia. The program is called the "Save a Million Lives" program.

As former colleagues of mine on the Standing Senate Committee on Foreign Affairs and International Trade will be delighted to know, the Prime Minister also committed the government to doubling the level of financial aid to Africa in the proximate period of time.

I mention this worthwhile and necessary effort to point out that Canadian foreign aid used to purchase malaria bed nets and decrease child morbidity may not necessarily contribute to poverty reduction as defined in Bill C-293, but is nevertheless essential. There is nothing wrong the intent of Bill C-293: To provide a partial statutory context for Canadian development assistance, to focus Canadian development assistance on poverty reduction and to strengthen the accountability regime of Canada's assistance programs. I heartily endorse the intent.

However, in reality, Bill C-293, no doubt unwittingly, tends to undermine the very objectives that it tries to establish. The Canadian International Development Agency needs a huge fix and, unfortunately, this is not it. The proposed legislation is diversionary; that is not its intent, but that will be its impact. Bill C-293 has, however, opened the door for a much-needed discussion on Canada's foreign aid goals of transparency and accountability as to the spending of tax dollars and the parameters around which Canada must focus in order to get the "best bang for the buck" in its attempts to assist poor and developing nations. I am delighted to see that the management and focusing of foreign aid was also featured in the Speech from the Throne read by Her Excellency in this chamber a few weeks ago.

I also believe that this general debate regarding the bill affords us a remarkable opportunity to work together and to move this bill ahead by strengthening it, by making it more effective and by having it achieve the goals its authors had in mind. I do not believe the present draft does not do this as perfectly as some suggest.

The Standing Senate Committee on Foreign Affairs and International Trade held five meetings in the last session on Bill C-293. Members heard from, among others, representatives from the Canadian Council for International Co-operation, Inter Pares, the Canadian International Development Agency, the Afghanistan Task Force, and Foreign Affairs and International Trade Canada. The committee also heard from John Sloan, the Director General of the Economic Policy Bureau; Alain Tellier, Deputy Director of the Criminal, Security and Privileges and Immunities Law Section; Finance Canada; the Canadian Council on Africa; Mark Lowcock, the Director General for Policy and International Division for the British Department of International Development; Robert Fowler, retired senior official; and George Ayittey, Professor of Economics for the American University International Development Research Centre.

This broad range of witnesses, with their expertise and attitudes, weighed in with their best opinions and judgments regarding this bill. The overwhelming view was that the intent of the bill had immense merit and that the authors should be congratulated. However, while the spirit of the proposed legislation was based on solid tenets, it was not reflected in the precise drafting as well as might have been the case.

I will provide an example. One of the requirements laid out in Bill C-293 received much attention and discussion at committee. I refer to the reporting requirements in clause 5(1). Senator Dallaire, in his representation before the committee, said: "The Minister of Finance is responsible for a third report discussed in this bill, which is a report on Canada's activities at the Bretton Woods Institutions." Graham Flack, Assistant Deputy Minister of Foreign Affairs, one of the brightest and most compelling young public servants, an outstanding reflection of the very best of our public service, used an interesting analogy regarding the reporting requirement:

> The analogy I might give is that it is like being inside cabinet. They might be able to comply once, and then they would no longer be in the cabinet. To the extent that we provided that confidential information and released it, the flow of confidential information would cease.

Here Mr. Flack was referring to the confidential flow of information to Canada.

His point was to stress that "any representation" as laid out in Bill C-293 would require Canadian representatives to divulge information considered confidential. This may not be the purpose of the reporting requirement, but it would be an unintended result.

My worry is that this bill does not achieve any of the goals of broader transparency and a broader regime of governance that various people over time — including those within CIDA — have suggested we may want to embrace. The notion that we do not have our own department of international development, as they do in the United Kingdom, and that we ought to use their department as a model for explicit legislation as opposed to being a subparagraph of another act, but its own law, which we have now, is the reason for the year-long discussion regarding Canada's foreign aid objectives.

One of the most compelling of the committee's witnesses in the last session was Mark Lowcock, the Director General for Policy and International Division at the British Department of International Development. He outlined the United Kingdom's position on its parameters of disbursement of foreign aid dollars and its view on "poverty reduction as its goal." He stated:

> DFID ministers and senior officials always understood that long-term, sustainable poverty reduction involved addressing the causes of poverty; and they interpreted it broadly to include investing in economic growth, conflict reduction, improving governance, fighting corruption and long-term investments, such as research and development, and human development.

He went on to say that the 2002 British act:

> . . . provides clarity of purpose. It ensures that we avoid the problems we encountered when we used the aid program to pursue multiple objectives. . . . My ministers believe that the act has helped to strengthen public support for foreign assistance.

Bill C-293 and the use of the term "poverty reduction" to the exclusion of all others actually hampers ministerial decisions when allotting aid dollars and does not allow for the minister and his or her officials to apply a broad interpretation as is needed from country to country or situation to situation. The UK legislation allows this.

As I said in committee, CIDA, to their credit, does spend a large amount of money on judicial training for the purpose of having honest, well-trained judiciaries that are capable of understanding and advancing the administration of justice and support of human rights in support of the role of an independent court system. Without being extreme, someone may ask what that has to do with poverty reduction. Why should you be spending money in country "A" to train the judiciary when you should be spending all your money in country "A" on poverty reduction because that is what Bill C-293 states is the focused mandate.

• (1650)

Maureen O'Neil, another distinguished public servant, president of the IDRC, stated in her testimony:

> Part of Canada's aid to poverty reduction has to go into the long-term effort to build sustainable innovation systems in developing countries, to assist them to develop their own solutions to their problems.

The other troubling aspect of the bill as drafted is the consultation requirements. These were also discussed at length in the standing committee of this house. As far as I am concerned, the problems with clause 4(1)(2) were best summarized by former ambassador Robert Fowler, former Deputy Minister of Defence, a former ambassador to Rome and special representative for Prime Minister Martin and Prime Minister Harper in Africa. He said:

> I am a firm believer in the importance of wide consultation with our development partners. This language, however, strikes me on general grounds as unnecessarily specific in instructing the minister in how to do his or her job.

With regard to the reporting requirements, Mr. Fowler added:

> Layering additional reporting and message massaging requirements on the already bureaucratically constipated CIDA bureaucracy will render our aid delivery even more cumbersome and slow.

We have a possible interpretation under the wording of the bill that could require consultation with everyone on every dollar spent. Based on all the testimony put forth by men and women of goodwill, more knowledgeable in these matters than I am, regarding the business of foreign aid, I am, quite frankly, a little surprised that no amendments were put forward before the bill was sent back to the chamber for its consideration.

I made my views known on Bill C-293 in the last session. I shared possible amendments with the honourable sponsor of the bill, and I listened closely to what was said at committee by both advocates and critics of the bill on all sides. My feelings have not changed. When Bill C-293 is once again up for discussion at committee, I shall propose the same amendments, especially in relation to the consultation process and reporting requirements. I should also like to open up for discussion the possibility of having the bill align itself more closely toward compliance with the new guidelines set out in the 2005 Paris Declaration, which outlines the amount of aid but more specifically the effectiveness of aid in recipient countries.

> The Paris Declaration lays down a practical, action-oriented roadmap to improve the quality of aid and its impact on development. The 56 partnership commitments are organized around the five key principles: ownership, alignment, harmonisation, managing for results, and mutual accountability.

I believe this statement encompasses much of what Bill C-293 is attempting to achieve, and perhaps the committee could study the document further and determine whether the objective of this declaration is something we might also add in some of the definitions for the bill.

Bill C-293 is a bill with immense merit. We can on all sides move together. We can work together. We can make real and significant progress on the bill, all the while maintaining its integrity and objectives. I believe that jointly sponsored amendments would pass quickly in the other place and quickly become law if we could work together on that. However, should the choice be made by the majority, which is absolutely their right, to reject any and all attempts at improving the bill, then that would make collaboration more challenging.

The discussions and questions by my honourable colleagues on both sides in the last session at committee lead me to believe that many are prepared to work together on all sides to improve the noble and necessary goals of C-293 and the extent to which the drafting sustains those goals. There are good people on both sides of this debate. We have a chance to work together. I appeal to both sides to find a way to do so.

On motion of Senator Di Nino, debate adjourned.

[*Translation*]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Campbell, for the second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171). —(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I am pleased to speak to second reading stage of Bill C-280, to create the Refugee Appeal Division, or RAD for short.

Before I begin, I must admit that I am a bit surprised at the lightning speed with which the Liberal Party embraced a private members' bill presented by the Bloc Québécois, the separatist party.

Honestly, I am still trying to understand how the Liberal Party can sit in the opposition and claim that the Refugee Appeal Division is a good idea, when, not so long ago, when that party was in power, it refused to implement the RAD and rightfully so.

[*English*]

Honourable senators, my friend and colleague Senator Goldstein, in his speech on June 14, said:

> If we cannot provide refugee claimants with every reasonable possibility of asserting refugee status, and if de facto refugee claimants are given a single kick at the can, a single hearing before a single adjudicator, with no further recourse from a practical perspective, our system is condemning some legitimate refugees to torture and death.

Senator Goldstein's contentions are inaccurate; they are simply wrong. There are in fact other recourses available. Failed refugee claimants can seek judicial review by the Federal Court, apply for permanent residence on humanitarian and compassionate grounds or seek a pre-removal risk assessment.

Let me quote from former Liberal Immigration Minister the Honourable Joe Volpe in response to a question in the other place:

> The member should know that the appeals processes are there for everybody and that they work quite well. We're not interested in adding another layer of appeals.

The fact of the matter is that our current refugee system already contains enough provisions and processes that allow refugee claimants to revisit their claims.

The process is such that many cases are taking years to work their way through the system without the addition of another appeal with its corresponding costs, delays and bureaucracy.

To be clear, this government sees no reason to implement the refugee appeal division, or RAD, at this time, since, as the Honourable Minister of Citizenship and Immigration has already stated, Canada's current refugee-determination system meets all international and domestic legal requirements. In fact, the UNHCR gives our system an excellent grade.

It provides appropriate protection to all those who need it. It also provides a number of opportunities for decisions to be reviewed.

[*Translation*]

The members were told that implementing the sections of the Immigration and Refugee Protection Act regarding the RAD would add at least five months to the process.

As my honourable colleagues know, the media have reported an increase in the number of refugee claims presented at Canada's borders. In fact, this year there has been an increase in the total number of refugee claims presented in Canada compared to last year.

This increased volume will put pressure on the refugee claim system, which is slow and unwieldy, a pressure that would be heightened by the addition of the refugee appeal division.

[*English*]

Honourable senators, in this context, there is a growing consensus that the refugee determination process needs to be more efficient.

In fact, the president of the Canadian Council for Refugees, Elizabeth McWeeny, said:

> Refugee claims need to be rapidly decided, so that those who need Canada's protection get it quickly.

It is worth noting that the former Liberal immigration critic, Mr. Omar Alghabra, said that the current refugee process takes too long and allows "bogus refugees. . . to stay longer, with potential implications for Canadian security."

• (1700)

If the Liberals believe that the current refugee process has taken too long, why would they support Bill C-280, which would likely extend the refugee process by at least five months? If they believe that the process takes too long, they should not be voting to extend this very process.

To make this point, during the vote on Bill C-280 in the House of Commons, the Honourable Joe Volpe, the last Liberal Minister of Immigration, actually voted against Bill C-280. It is also worth noting that Mr. Volpe's caucus colleagues, former Liberal Immigration Ministers the Honourable Judy Sgro and the Honourable Denis Coderre, also refused to vote for Bill C-280. Why would these three former Liberal immigration ministers refuse to support Bill C-280? Surely, they are the foremost Liberal experts on the file. In fact, they probably have more knowledge of the complex immigration issues than all other Liberal members of Parliament put together. Why did they refuse to support their party critic's position? Why did they refuse to support their own leader, the Honourable Stéphane Dion, in this regard?

The answer is quite clear: They know that Bill C-280 will not solve the problem of timely processing of refugee files; it will compound it. It is as simple as that.

[*Translation*]

The federal government will have to cover the cost of operating the RAD, estimated at tens of millions of dollars per year.

We should not forget that implementing the RAD will also result in considerable expenses for provincial and territorial governments.

These governments are responsible for the well-being of asylum seekers while refugee claims and appeals are being processed.

Just think of the legal aid costs. The provinces have asked for an additional $11.5 million every year since 2001 to cover the costs of legal aid for immigration and refugee cases.

Of the estimated tens of millions of dollars that implementation of the RAD will cost each year, the provinces will have to allocate $21.2 million annually for social assistance provided to asylum seekers during the additional waiting period prior to a ruling in their case, as well as bearing the costs associated with legal aid and education.

[*English*]

Another reason to oppose this bill is that it would be irresponsible to support a bill that would come into force without actual bricks and mortar, staff and rules of the RAD in place.

Honourable senators, the Immigration and Refugee Board has said that the competency profile of members of RAD is different from other IRB members. To quote the IRB:

> Selection would have to reflect the tasks of an appellate decision-maker, require a stronger legal/analytical capacity. . . and some prior adjudicative experience.

The IRB also said: "The only workable way to implement would be to have a date of implementation one year after Royal Assent," so that there is a full complement of members, training and a case tracking system.

I am also surprised that members of the opposition would support a bill that would bring into force only some of the provisions related to RAD, while leaving out a key provision as well as transition provisions that speak to the broader public interest.

For example, Bill C-280 does not bring into force section 73 of the Immigration and Refugee Protection Act. This section would enable the minister to apply for judicial review of RAD decisions.

Why allow only failed refugee claimants the ability to apply for judicial review of RAD decisions and not the government, through the minister who represents the broader interests of the Canadian public? This is not a balanced approach.

Furthermore, Bill C-280 leaves out transitional provisions, meaning that RAD would have a backlog on its first day of operation of up to 7,000 cases from time of Royal Assent, and possibly tens of thousands should the Federal Court allow for appeals of previous decisions. This could very well delay decision-making for years.

Bill C-280, as written, fails to include transitional provisions from the current process and rules to a new one. This failure to include transitional provisions could effectively result in an enormous backlog of tens of thousands of cases.

The former Liberal Immigration Minister, the Honourable Judy Sgro, acknowledged the danger of this backlog when she said:

> I believe you're aware that the reason it was not implemented was the fact that we had, and continue to have, huge volume pressures on the system.

[*Translation*]

Supporters of Bill C-280 allege that the government's decision not to implement the RAD amounts to contempt of Parliament. Yet in the same breath, these same people are asking Parliament not to give effect to section 73, a key section.

How can these people accuse the government of contempt of Parliament when they themselves are choosing to set aside a fundamental provision of the current act? It is hypocritical. Honourable senators, the fact is that the system in place works.

Supporters of Bill C-280 will say that the RAD is needed because, when the IRPA came into force in 2002, the two-member panels provided for under the former Immigration Act were reduced to only one member.

In fact, as there were very few cases before 2002 where two panel members disagreed, the real benefits of having two-member panels are not clear.

There were fewer than 100 decisions a year where one of the two members dissented. In other words, a second opinion benefited asylum seekers in just under one half of one per cent of cases. That is 0.05 per cent. That does not really warrant implementing the RAD.

[*English*]

To illustrate how RAD would do more harm than good, listen to the following quotation:

> Let me briefly turn my attention to the refugee appeal division. At your insistence, I've given a lot of thought in the past few months about whether to implement the RAD. I've considered several options and alternatives. I've also met with and discussed the issue with stakeholders and NGOs on both sides of the debate. My decision not to implement at this time is based on several considerations. The first is that our current refugee system is already fair. I'd indicated to you that I wanted to work on a system that was fast, fair, and final. We invest in a strong first-level decision with an independent tribunal, well-trained decision-makers, and solid institutional support. The IRB has become truly a merit-based organization. Its staff must meet criteria that are adjudicated by outside bodies, and they meet the test of knowledge and competence. I think the system offers protection to those in genuine need and helps to reinforce the country's track record of compassion and openness to those seeking asylum from around the world. Indeed, as you know, Canada is a world leader in treating applications in a fair and generous way.

That is a quotation from the former Liberal Immigration Minister, the Honourable Joe Volpe, when he appeared before the Standing Committee on Citizenship and Immigration on November 1, 2005.

• (1710)

Honourable senators, simply put, the implementation of the RAD would translate into even longer delays. This situation is especially true in light of the generosity of the current system, which, contrary to the belief of my friend, Senator Goldstein, affords several opportunities to claimants to show why they should not be removed. The system includes a generous first-level Independent Review Board, IRB, hearing, the ability to apply for permanent residence on humanitarian and compassionate grounds, a pre-removal risk assessment, and judicial review of the existing system.

Honourable senators, we must all consider whether creating more layers will enhance what is already regarded as one of the best and most generous refugee determination systems in the world.

Canadians can be proud that our system is highly regarded and that it reflects our Canadian values of fairness and compassion. Are we being fair to the individuals who are currently waiting for their claims to be heard by asking them to wait even longer for a resolution? I think not.

Honourable senators, implementing the RAD is a solution in search of a problem. I am confident that Canadians would say that the system does not need more red tape, more bureaucracy, more delays, more processes, and additional costs. Not only would ordinary Canadians say that, but, as I stated earlier, I dare say that the last three Liberals to hold the position of Minister of Citizenship and Immigration have clearly made known their opposition to this bill.

Canadians whose goodwill will be tested by this bill's proposal expect a refugee system that helps legitimate refugees. They do not want a system that further prolongs an already fair, generous, and extremely lengthy refugee determination process. Once again, according to the Honourable Joe Volpe, "Protection is really what counts and that's what the current system does."

To conclude, I urge all honourable senators to listen to former Liberal Immigration Minister Judy Sgro, who said:

> Bringing in . . . that particular appeal at this time would simply add more roadblocks and more time to the system, which I frankly believe would prevent us from helping the very same people we want to help, people who come here genuinely seeking a safe place.

Obviously, I am in total agreement with the honourable member's comments. Honourable senators, three former Liberal immigration ministers could not support this legislation. If the Senate chooses to send this bill to committee, I hope all three will be invited to appear before the relevant committee to explain their unequivocal statements on this important matter.

How can senators opposite, in good faith, ignore the considered advice from not one but three experts, all former Liberal immigration ministers? What has changed since then?

I urge colleagues to do the right thing and follow the advice of several ministers of citizenship and immigration from both previous and current governments, and vote against Bill C-280. Implementing the refugee appeal division is neither necessary nor advisable at this time. Increasing the delay in the refugee determination process is unfair to refugees and their families, as well as Canadians who expect an efficient and timely refugee determination process.

I fear implementing the RAD will negatively impact the integrity of the current system. This is why I will vote against this legislation and urge all honourable senators to do the same.

On motion of Senator Cowan, debate Adjourned.

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:
>
> That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;
>
> AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;
>
> AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";
>
> AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;
>
> Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.—(*Honourable Senator Tkachuk*)

Hon. Wilfred P. Moore: Honourable senators, I should like to mention to this house that last Wednesday I asked Senator Tkachuk when he might be able to speak to my motion. He spoke with me the following day and indicated that he would speak on Tuesday, December 4. I therefore look forward to his remarks before putting my motion to the vote.

Order stands.

ARTHRITIS

INQUIRY—DEBATE ADJOURNED

Hon. Gerald J. Comeau (Deputy Leader of the Government) rose pursuant to notice of November 21, 2007:

> That he will call the attention of the Senate to the debilitating nature of arthritis and its affect on all Canadians.

He said: Honourable senators, in my view, a major responsibility of the Senate is to raise the awareness of issues that deserve more public attention. An ailment that directly impacts four million Canadians deserves the attention of parliamentarians, governments and all Canadians.

The inquiry we have here this afternoon is on arthritis. I do not have arthritis, but I have observed the suffering it can cause. It is difficult for a family to watch a loved one who suffers from this ailment. When one looks at the statistics, it is surprising and alarming that arthritis receives so little attention from the general population and so little attention on the public health agenda. When we consider that it affects one in six Canadians — and this number is much larger when we factor in the families and friends of arthritis sufferers — it impacts all of us.

According to the World Bank, it ranks amongst the top causes of disability worldwide. According to a report published by Public Health Agency of Canada in 2004, it is the first or second cause of workplace disability. The portion of patients disabled is two times greater than any other chronic condition. A report from Statistics Canada, *The Economic Burden of Illness,* states that the yearly cost of work disability from arthritis and musculoskeletal (MSK) conditions is $13.6 billion per year in Canada. That data is from 1998, Senator Oliver, and it is probably much higher now if we were to do the census.

Although there are over 100 forms of arthritis, it is easier to think in two main categories. The first one, osteoarthritis, OA, is a degenerative arthritis with loss of joint cartilage and changes to

the bone underlying the joint. It is the most common form of arthritis and represents at least 75 per cent of all arthritis in adults.

The end result is destruction of the joint cartilage and changes to the underlying bone. For people with OA, progressive pain and joint stiffness result in reduced independence due to physical disability, increased health care utilization and decreased quality of life. About 95 per cent of all hip and knee replacements in Canada are performed because of OA. By the year 2026, there will be a 50-per-cent increase in the number of Canadians with arthritis, and this increase is mostly due to OA.

Risk factors for development of OA include older age, repetitive joint trauma, genetic predisposition, metabolic factors and physical inactivity. Women are more likely to develop OA and are two times more likely to become disabled by it.

Honourable senators, I think you will notice that I am going through a lot of statistics. Others will probably have a much more interesting way of presenting the illness, but I wanted to give the statistics. Arthritis is 2.5 times more common in the Aboriginal population. The prevalence is 27 per cent for the Aboriginal population, versus 16 per cent for the general Canadian population.

Contrary to popular opinion — and this is important — osteoarthritis is not a normal consequence of aging.

The second category of arthritis is inflammatory arthritis and it can occur at any age.

• (1720)

Rheumatoid arthritis, RA, is the most common type of inflammatory arthritis. Other forms include psoriatic arthritis, ankylosing spondylitis, lupus and gout, to name a few. RA is the form of arthritis with the highest rates of work disability, ranging from 32 to 50 per cent within 10 years of the disease onset, and increasing from 50 to 90 per cent after 30 years of the ailment.

Work loss only partially captures the impact of arthritis on employment. There is lost productivity due to reduced performance at work. A study done by Dr. Diane Lacaille at the University of British Columbia found that reduced productivity was the largest component of indirect cost. In speaking about productivity, Canada has many committees looking at the issue of how to increase productivity in Canada. The largest component of productivity lost in Canada is caused by this ailment. Exceeded wage loss due to loss of job stands at 30 per cent, and reduced hours in absenteeism stands at 12 per cent.

In addition to its economic impact, work and productivity loss also have important psycho-social implications affecting one's sense of identity, self-esteem and competence. Rheumatoid arthritis is three times more common in women than men and the most common age of onset is between 30 and 50 years of age. It affects people during their most productive working years. Rheumatoid arthritis is also more common in the Aboriginal population where it occurs 10 years earlier and is much more severe.

What can be done? Prevention is the key to the management of osteoarthritis. Known preventative strategies are ignored. An 11-pound weight loss leads to a 50 per cent reduction in the risk of developing OA of the knee. We now know that early recognition and treatment of rheumatoid arthritis can result in clinical remission in up to 50 per cent of people.

New therapies and biologics are available that can substantially decrease pain, swelling and deformity. They are effective in rheumatoid arthritis, but recent data shows that they are even better in treatment of ailments such as psoriatic arthritis and ankylosing spondylitis.

There are marked disparities between which medications are accessible depending on the province of residence. Depending on where one lives in Canada, one may or may not be lucky. In Atlantic Canada, 30 per cent of people do not have provincial coverage or private medical coverage and thus cannot access any of these effective newer medications that not only control their disease, but also prevent deformity. Evidence shows a decrease in work disability.

According to a presentation by Dr. Gillian Hawker made at the Alliance for the Canadian Arthritis Program, a number of alarming concerns was highlighted. She said that there is little or no awareness of cause, course or management of arthritis. In addition, known prevention strategies are ignored and current models of care delivery are inefficient and inadequate. There are inefficient and costly waits for medications, rheumatology care, surgery, et cetera. Dr. Hawker also stated that there are marked disparities between provinces in ability to access appropriate care and that arthritis receives less than 1.3 per cent of medical research funding in this country. Honourable senators, that is a disgrace.

A further impact, according to Dr. Hawker, is that arthritis is the number one cause of disability. Arthritis has a major impact on the functioning and independence of our population. Statistics show that 17.6 per cent of the population 15 years and older report suffering from arthritis.

The total costs, direct and indirect, of arthritis are substantial. Since arthritis often limits physical function and imposes significant pain and suffering, a high proportion of indirect costs are attributable to long-term disability, such as economic dependence and social isolation. Arthritis-associated morbidity has been estimated to comprise approximately half of all morbidity due to musculoskeletal disorders, or about $6 billion annually in Canada. Based on population projections and trends, it is estimated that the prevalence of arthritis will grow to between 21 and 26 per cent by 2021.

Honourable senators, there are preventive measures possible to reduce the incidence of arthritis and therefore lessen the burden it places on our finite health care resources. In 2005, a summit on standards for arthritis prevention and care produced an evidence-based national strategy for arthritis prevention and care to guide federal and provincial government health policy development. Professionals have produced the road map to guide us.

Every Canadian must be aware of arthritis. All relevant health care professionals must be able to perform a valid, standardized, age-appropriate MSK screening assessment.

The commitment with which arthritis professionals view the importance of this subject is demonstrated in that they recommend that not only would specialists look at and identify early arthritis, but they would also welcome others in the field of medicine to identify the early stages of arthritis so that it could be treated early. It is telling that arthritis professionals are prepared to bring in others to help them in the quest for early detection. Every Canadian with arthritis must have timely and equal access to appropriate medications.

In conclusion, honourable senators, allow me to say how impressed I am with the dedication of the members of the Alliance for the Canadian Arthritis Program. I invite all honourable senators to talk to members of the alliance. You will quickly realize that they strongly believe in their program, but need our help, and we need them as well.

I know there are others in this chamber who suffer the ailment and who are probably able to provide a much better and more passionate way of presenting the disease and ideas as to how to progress. Mine is limited to having had a family member with a difficult case of arthritis, but I was not able to feel the pain she felt. I know others in this chamber feel the pain of arthritis on a daily basis and are able to come into this chamber and do the best they can without showing the affliction that they have. I know a number of senators in this chamber do their best, but it is very painful for them. We must be mindful of that.

Honourable senators, arthritis is not a question of age; it is a question people being faced with this disease at a stage in life when they were probably the most productive, and they must deal with it as the years go by. I invite others to provide their stories to see if we can make arthritis better known to the Canadian public and those decision makers, both at the provincial and federal level, who can make a difference in how we treat this disease.

Hon. Lorna Milne: Would the honourable senator accept a question?

Senator Comeau: Certainly.

Senator Milne: Honourable senators, as a sufferer of arthritis since my 30s, I am concerned about the things the honourable senator has mentioned.

What steps does this government plan to take to increase the amount of money spent on research for early detection of this disease?

Senator Comeau: Honourable senators, I do not wish to reduce the discussion at this point to "your government did this and so our government will do this," or a question of "what is your government doing about this, we can do a heck of a lot more." If the honourable senator was listening to my speech, I urge more awareness. This affects the federal and provincial governments as well as society in general. It is much more than just saying put your money where your mouth is. We must go beyond that. The honourable senator, as a sufferer of arthritis, should appreciate that.

On motion of Senator Keon, debate adjourned.

The Senate adjourned until Wednesday, November 28, 2007 at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, November 28, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 28, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE MAURICE RIEL, P.C., Q.C.

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10) of the Rules of the Senate, the Leader of the Opposition has asked that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Maurice Riel, who passed away on July 20, 2007.

[*English*]

I remind honourable senators that pursuant to our rules, each senator will be allowed only three minutes, they may speak only once and the time for tributes shall not exceed 15 minutes.

[*Translation*]

Hon. Lucie Pépin: Honourable senators, dear Laurence, distinguished guests and friends of Senator Riel. Our honourable colleague and friend, Senator Maurice Riel, left us on July 20. He was 85 years old. At his funeral, I had the honour of saying a few words. Today I would like to share some of those words with you.

In the eulogy he delivered for Jeanne Sauvé, Senator Riel said:

> To honour the memory of Jeanne Sauvé is to recall her prestigious personality, her penetrating intelligence, her sound judgment, her unfailing good taste, and her sparkling wit, as well as her determination, courage and boldness.

• (1335)

The very qualities that Senator Riel recognized in Jeanne Sauvé are qualities that, as many of us know, he himself possessed.

As fate would have it, I succeeded him in the Senate in 1997. I felt awfully small to be filling such big shoes, but Senator Riel was always there to give me good advice. He was also very generous with his encyclopaedic knowledge. Because of his balanced point of view and broad range of knowledge and experience, people often sought his valuable advice.

Senator Riel was gifted with an instinctive ability to draw on writings from any period of human history to support his arguments. He was rarely caught off guard.

Senator Riel was very particular about certain things. I am sure he is the only senator who has ever started — or will ever start — a debate in the Senate on the pronunciation of French author Marcel Camus' name, or "Camusse", according to him, and he had the facts to back up his argument.

History also records that he was the first Speaker of the Senate to make a report at the end of his term. Nevertheless, it took him several days of speeches to do so.

In his 24 years in this institution, he helped enhance the dignity of the Senate.

When he left the Senate, he said he was going to do as Cincinnatus did and go back to rural life, and that if the fatherland should ever need him, it would know where to find him. He honoured and served that fatherland, Canada, his whole life long, and he was a passionate Canadian. He knew this country in all its complexity, and he always strove to keep it united. Senator Riel said that national unity was like Penelope's web: a work that must be started over again every day and never abandoned.

I thank his wife Laurence and his entire family for lending him to the Senate for so many years.

It is impossible to talk about Senator Riel without mentioning that, in addition to being a distinguished jurist and wise parliamentarian, he was an artist, a poet, a lover of beauty and fine things. That beauty was reflected in his choices, his writings and especially his speeches, which many compared to the finest history lectures.

Senator Riel was a humanist in the purest tradition of our classical colleges. He was a gentleman, but also a fount of homespun wisdom. You were never bored when you were with him. His legendary sense of humour was always in evidence.

During a rather long-winded debate on the GST, he sent Senator Bolduc, a Conservative senator, a text on the essays of Montaigne. As the debate dragged on, he sent him another text on *The Spirit of Laws* by Montesquieu.

Senator Riel has left us, but he will always be with us. We will remember Senator Riel for his intellectual, moral and professional integrity and his distinguished service to his country.

Farewell, dear friend. We miss you already.

Hon. W. David Angus: Honourable senators, it is with sadness that I pay tribute to my former colleague and associate, the Honourable Maurice Riel. He is remembered by many senators who are still here today, including some who will be coming with me to pay tribute to him and express our condolences to his widow Laurence, his three children and his 10 grandchildren, many of whom are with us in the gallery today.

Maurice passed away on July 20, this year, at the age of 85. He was appointed to the Senate in October 1973. He served in the Senate for over 23 years and became the Speaker of the Senate in December 1983.

That function crowned his career and was a reflection of the respect all senators had for him. His term as Speaker was short, with him leaving that position one year later, in November 1984, following the general election. Maurice continued nonetheless to play an active and productive role in the Senate until he retired 10 years ago.

• (1340)

Honourable senators, Maurice was born in Saint-Constant, Quebec, and was a true Quebecer. He was very proud of his French Canadian roots and his French-speaking cultural heritage.

[*English*]

However, Maurice was also a strong and committed federalist.

[*Translation*]

I knew Senator Riel as a loyal partner and a personal friend over the years since he joined me, in 1975, in the office of Stikeman Elliott, where I had been, and still am, practising law since 1963. He was a very congenial and approachable man. His door was always open, and he very often provided very wise advice to the firm's lawyers.

In addition, Senator Riel was a stalwart member of the Liberal Party of Canada, and was its chief fundraiser in Quebec for more than a decade. He was a dear, close friend and adviser of Pierre Elliott Trudeau, and he shared his vision of a strong and united Canada.

I know that Senator Riel very much enjoyed his time in the Senate. He made lasting friendships amongst senators on both sides of our chamber. He served actively for over 10 years on the Standing Senate Committee on Agriculture and Forestry and he also made a valuable contribution on several other committees, including Foreign Affairs, a subject that he loved very much.

He had great respect for the Senate as an institution and firmly believed that the upper house was a useful and necessary part of the democratic system in Canada.

By taking on the Senate's legislative and investigative duties, by representing his region, Shawinigan, Quebec, and by putting his experience and knowledge to work for the Canadian people, Maurice Riel was without a doubt the type of person the Fathers of Confederation had in mind when they created our Senate.

Honourable senators, Senator Riel had many strings to his bow. He was extremely refined, cultured and educated. He loved music, literature, the arts and, Senator Pépin, he also occasionally enjoyed a bottle of "Caymus".

He had a great wit and was, in all respects, a loyal and fascinating companion and colleague. In my view, the late Senator Riel was a special Canadian who was passionately dedicated to his province and this nation.

On behalf of all Conservative senators, I extend a sincere expression of sympathy to his dear widow Laurence, his three children, Louise, François and Hélène, his 10 grandchildren, the extended Riel family and his large circle of friends.

Dear Maurice, may God bless you and rest your soul.

Hon. Pierre De Bané: Honourable senators, as we pay tribute to the late Maurice Riel, I would like to thank you for the wonderful welcome you have extended to his children, grandchildren and friends. I am sure that I speak on behalf of them when I say thank you.

What is remarkable about Maurice Riel, is that he was someone who became interested in the common good as soon as he became a man. He was president of the Young Liberals. Later, he became the personal advisor to Georges-Emile Lapalme. He was a member of the Law Society of Montreal from 1961 to 1963.

• (1345)

He participated in opening the Délégation générale du Québec in Paris in 1960 with Jean Lesage. The Right Honourable John Diefenbaker appointed him to the board of the World Exposition. Mr. Trudeau appointed him to the Board of Directors of the Bank of Canada. He served as Joint Chairman of the Special Joint Committee on Immigration Policy in 1974. He led a Senate delegation to China. As Senator Angus mentioned, Senator Riel also served as Speaker of the Senate.

The remarkable thing is that in addition to serving the common good, Senator Riel was a man whose culture was as broad as it was deep. I remember one day, I told him my father was born in Alexandria, Egypt, and the next day he sent me a wealth of documents on this mythical city that Cleopatra, Alexander the Great and others made famous. I have seen the Bay of Alexandria in person and I recognized it clearly. It was extraordinary.

I cannot tell you how many times, when I was in Paris and went into a bookstore, such as the Landarchet bookstore, and said I was Canadian, people would tell me they knew Senator Riel. I would tell them I knew him as well, that I was one of his colleagues and then they would, unbeknownst to him, provide me with extraordinary service.

It was in these bookstores that he became friends with President Mitterand. I would even say he was the fellow Canadian I ran into the most in airports.

As you know, he sat on the boards of a great many organizations and major corporations. Words cannot describe what this man has contributed. Senator Angus mentioned his friendliness, sensitivity and his willingness to help. I am sure that the presence here of all his friends, and the future Bâtonnier of the Barreau du Québec in particular, is a testament to his place in society.

I will close, honourable senators, by saying that the late Maurice Riel was one of those rare men who were not honoured to join an institution; it was the institution that was honoured and grateful.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I rise to speak today to pay tribute to our colleague, whom I had the pleasure of knowing before and after I entered the Senate and for many years through his activities within the Liberal Party.

Within our institution, he served as Joint Chairman of the Special Joint Committee on Immigration Policy and, for many years, was a member of such Senate Standing Committees as Foreign Affairs, Agriculture and Forestry, and Internal Economy, Budgets and Administration. He was well qualified for the latter position, since he was recognized for his administrative talents everywhere he worked.

On the international scene and in private, of course, Mr. Riel was renowned as a great lawyer and, although, from my point of view, he was the competition, I must admit that we certainly had to recognize his talents. He was a lawyer of great intellectual integrity, and my colleagues and I were always pleased to negotiate with him.

To help you become better acquainted with this great Canadian, this great thinker and intellectual, I would like to quote a few passages from Senator Riel's maiden speech, in case not all honourable senators have had the opportunity to look it up yet.

• (1350)

Addressing himself to the Speaker of the Senate, the Honourable Muriel McQueen Fergusson, on March 12, 1974, he said the following on the subject of women — and I am certain you will be surprised to hear this passage from me:

> The wisdom of women was once described as intuitive and that of men as logical. I believe that they are only appearances, for what seems to be intuition in women is only, to my mind, the result of a long and silent maturation which expresses itself spontaneously and effortlessly when called upon. It is simply because this reserve of wisdom was built up through the ages and is always ready to spend itself given the opportunity. I add, without hesitation that it always does so for the greatest benefit of all.

All honourable senators will understand why we, the female senators here in the Senate, myself included, agree so strongly with this portion of his speech.

The Honourable Senator Riel also believed strongly in our institution in its current form. His thoughts are as current today as when he expressed them. He said:

> This gave me the opportunity to see how the Senate could be treated in some circles where they want to abolish it for reasons I still do not understand very well. There is a French saying which goes like this: Give a dog a bad name and hang him. Experience taught me that when someone wants to play a dirty trick, he begins by saying that he is doing it on principle. I understood that the principle invoked against the Senate was that it is an unelected house.

On Canadian unity, as one of the people who served on our team with regard to this crucial issue for Canada, he said this on May 14, 1980:

> That is why I say to you all, my fellow citizens of Quebec, that the future of Quebec lies nowhere else but in North America and it is a part of Canada's future: Canadian solidarity is to Quebec the guarantee of its economic and political stability.

As you can see, Senator Riel did not hesitate to make his opinions known and to express them openly. He was a man of great conviction.

I will remember him as the deadpan type, a man with an excellent sense of humour who always had the appearance of being very serious; yet, he had a twinkle in his eyes that you could discern if you paid the least bit of attention.

I would like to close with the wise words of Senator Riel on the occasion of the honourable Jeanne Sauvé's funeral. He said:

> "Neither the sun nor death can be looked at with a steady eye", said an ancient philosopher. Yet, death is always all around us and comes calling regularly. Each one of us must ask: will it soon be my turn? For death comes not just for others.

[*English*]

> Never send to know for whom the bell tolls; it tolls for thee.

[*Translation*]

So we were told by an English poet three centuries ago.

Today we are all proud, as are his family and friends, of his accomplishments, proud to have known him and proud of his dedication to Canada. To his family and friends, thank you for lending him to the Senate. To our former colleague, we undertake to continue his work of building Canada.

Farewell, Maurice Riel.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, it is with pleasure on this occasion that I draw your attention to the presence of several members of Senator Maurice Riel's family including his son, daughters and several grandchildren. As a sign of the esteem in which we held the senator, we also welcome several of his friends and colleagues. I would like to point out in particular the presence of our former colleague, Senator Raymond Setlakwe.

On behalf of all honourable senators, welcome to the Senate of Canada.

• (1355)

THE LATE RIGHT HONOURABLE ANTONIO LAMER, P.C., C.C.

Hon. Pierre Claude Nolin: Honourable senators, like Senator Dawson, I would like to pay tribute to another great French-Canadian, a Quebecer, who died last week on November 24: the Right Honourable Antonio Lamer. I will not reiterate all of this great jurist's accomplishments, but I would like to offer a reminder to those of you who were or are members of the legal affairs committee and who have reviewed or will review the Judges Act and the provisions for judges' salaries.

For the benefit of those who are unfamiliar with this file, I would like to remind everyone how the Right Honourable Antonio Lamer made his mark on this file and on many others. He fought for judicial independence. He had to take a hard line with various governments who were responsible for determining judges' salaries from time to time, but who declined to do anything about the small details that can make their lives so difficult as to have an impact on their independence.

A case from the smallest but not the least of our provinces, Prince Edward Island, turned out to be a proving ground for judicial independence. The case reached Canada's highest court, and Justice Lamer wrote the majority notes. He made an important contribution to strengthening judicial independence by more or less ordering governments to explain why they had refused to acknowledge the facts and adjust compensation according to the recommendations of the commissions responsible for evaluating judges' salaries. After he retired from the bench, I spoke with him about his tough approach.

Honourable senators, I think that Justice Lamer's death, unfortunately, reminds us of this important element of Canadian law, which the international community respects so highly. Those of us who travel know that many countries have been studying our legal system. They admire how Canadians share powers and respect the delicate balance between those subject to trial and those who are responsible for governing them.

My dear Antonio, may you be with God!

[*English*]

FIGHT AGAINST MALARIA

Hon. Mobina S. B. Jaffer: Honourable senators, 3,000 African children die each day from malaria, the greatest killer of children under the age of five in sub-Saharan Africa. This rate equates to losing the life of an African child every 30 seconds from this preventable disease.

Recently, I had the privilege of meeting a registered nurse, Debra Lefebvre, a Canadian who is making a difference in the lives of African mothers through the Buy-A-Net Malaria Prevention Group. Debra founded this organization in 2004 to "supply anti-malaria nets and train one village at a time until this job is done."

Right now, members of Buy-A-Net are on the ground in Uganda trying to supply 7.5 million bed nets. The Buy-A-Net team is lean, local, efficient and effective. To date, they have installed and committed over 20,000 anti-malaria nets. They cannot do this alone.

Obviously, time is of essence when the world loses a child to this disease every 30 seconds. It costs about $6 for a long-lasting treated net. Surely, more can be done to help them reach their goal.

Honourable senators, last week when I was in Uganda, I went to Mulago Hospital oncology unit to participate in a malaria net distribution with Buy-A-Net . There, I observed a three-year-old child with a huge cancerous tumour on her neck. She had been treated successfully. Unfortunately, that day she died of malaria.

I also had the opportunity to visit two villages. In one house, there were eight people. Four children were sleeping under a net. The other two children were suffering from malaria, as that household could get only one net through this program.

What is heartbreaking about all this situation is that malaria is completely a preventable disease.

Honourable senators, as we come up to the festive season, I urge all of us to make individual and collective Senate legacies to stamp out malaria in Africa. One of the solutions is this program. To quote Debra Lefebvre, "Every night a net is hung, lives are saved."

• (1400)

MCGILL UNIVERSITY WORLD RANKING

Hon. Michael A. Meighen: I rise today to draw the attention of honourable senators to the results of "The *Times* Higher Educational Supplement" — published by the *Times* of London. The supplement was released a little over two weeks ago; some of you may have read it.

All graduates, and in particular Senator Angus, Senator Goldstein, Senator Poy and perhaps others, will rejoice in the knowledge that McGill University was ranked twelfth among the world's top 200 universities.

Indeed, McGill is the only Canadian university to place in the top 25 in the world since the *Times* launched its survey in 2004.

McGill stands today as the number one public university in North America, ranking ahead of such well-known research-intensive powerhouses as Duke, Johns Hopkins, Stanford and Cornell. Additionally, McGill is in eighth position among all North American universities, following Harvard, Yale, Princeton, Caltech, Chicago, MIT and Columbia.

While Harvard University came in number one in the world, followed by Oxford, Cambridge and Yale in second place, I am pleased to report that, in addition to McGill in twelfth place, 10 other Canadian universities made the top-200 grade: University of British Columbia, thirty-third; University of Toronto, forty-fifth; Queens University, eighty-eighth; University of Alberta, ninety-seventh; McMaster University and Université de Montréal', one-hundred-and-eighth; University of Waterloo, one-hundred-and-twelfth; Western University, one-hundred-and-twenty-sixth; Simon Fraser University, one-hundred-and-thirty-ninth and the University of Calgary, one-hundred-and-sixty-sixth.

Maclean's magazine also recently published its rankings, and, once again, McGill was chosen this year as the top medical doctoral university in Canada.

Honourable senators, this ranking is a remarkable achievement, and all the more so when one considers that McGill, along with its three sister Quebec universities in the medical doctoral category, are operating on shoe-string budgets, all ranking in the bottom five with respect to their operating budget per student.

This recognition of McGill's academic strengths, diversity and international impact is an outstanding achievement and a tribute to its students and faculty, led by Principle and Vice-Chancellor Heather Munroe-Blum.

Last month, the university launched its most ambitious fundraising campaign ever, with a goal of $750 million. Honourable senators, this is the largest stated initial goal of any Canadian university. The funds raised will be used to meet the university's highest priorities, including enhancement of the graduate and undergraduate experience, as well as the attraction and retention of top faculty members.

The Government of Canada is also doing its part to augment post-secondary funding, including funding an additional $800 million per year beginning in 2008. Recognition of the importance of universities and the difficulties they face is the first step to finding solutions. In this regard, I recall Senator Moore's inquiry on deferred maintenance.

While much remains to be done by both governments and the private sector to bolster post-secondary education in our country, all Canadians can take justifiable pride in the world-class excellence of our institutions of higher learning.

[*Translation*]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON RECEIVING ORDER OF FRIENDSHIP OF RUSSIA

Hon. Lucie Pépin: Honourable senators, I wish to inform you that on November 6, 2007, His Excellency President Vladimir Putin made an order bestowing upon the dean of Canada's Parliament, the Honourable Senator Marcel Prud'homme, the Order of Friendship, the highest honour given to a non-citizen.

As a member of the Canada-Russia Inter-Parliamentary Group and a friend of Senator Prud'homme, I have the pleasure of inviting honourable senators to the award ceremony, which will take place this Thursday, November 29, at 11 a.m., in the foyer of the Senate.

[*English*]

His Excellency, Viktor Zubkov, the Prime Minister of Russia, will bestow upon Senator Prud'homme the Order of Friendship of Russia. Senator Prud'homme, who is the founding chairman of the Canada-Russia Inter-Parliamentary Group, is the second Canadian to be decorated with this honour.

We hope that honourable senators will be present tomorrow.

• (1405)

UKRAINE GREAT FAMINE

SEVENTY-FIFTH ANNIVERSARY

Hon. A. Raynell Andreychuk: Honourable senators, on June 19, 2003, the Senate of Canada unanimously adopted a resolution on the Ukrainian famine genocide of 1932-33. On November 1, 2007, the general conference of UNESCO adopted the resolution entitled "Remembrance of Victims of the Great Famine Holodomor in Ukraine."

This resolution in its preamble states that the General Conference:

> Remembering the Great Famine (Holodomor), that took innocent lives of millions of Ukrainians in 1932-1933,
>
> Equally commemorating the memory of millions of Russians, Kazakhs and representatives of other nationalities who died of starvation in 1932-1933 in the Volga River region, Northern Caucasus, Kazakhstan and in other parts of the former Soviet Union,
>
> Calling the Joint Statement on the 70th anniversary of the Great Famine (Holodomor) of 1932-1933 in Ukraine that was circulated as an official document of the United Nations General Assembly and in which the Great Famine (Holodomor) was officially recognized as the national tragedy of the Ukrainian people,
>
> Convinced that the tragedy of the Great Famine (Holodomor) caused by the cruel actions and policies of the totalitarian Stalinist regime should be a warning to the present and future generations to cherish the values of democracy, human rights and the rule of law,
>
> 1. Expresses sympathy to the victims of the Great Famine (Holodomor) . . . .

It goes on further to welcome:

> . . . the initiative of Ukraine to organize the commemorations on the occasion of the 75th anniversary of the Great Famine (Holodomor) of 1932-1933 in Ukraine and invites Member States to consider taking part in those and similar commemorative events;

It calls on:

> Member States to consider promoting awareness of the Great Famine (Holodomor) remembrance by means of incorporating this knowledge into the educational and research programmes to inculcate forthcoming generations with the lessons of this tragic page.

November marks a year-long period of commemoration wherein further education and support to commemorate this tragedy will be undertaken in Canada.

This evening, at 5:30 p.m., in room 237C, a commemoration service will be held sponsored by the Embassy of Ukraine, the Ukrainian Canadian Congress and the Canada Ukraine Parliamentary Group. I urge all senators to pay their respects for the millions who lost their lives needlessly.

THE HONOURABLE NOËL A. KINSELLA

BIRTHDAY WISHES

Hon. Marilyn Trenholme Counsell: Honourable senators, I hope what I am about to say will earn me an extra minute. I have just been told this is a very special day for the Speaker. Am I correct, Your Honour?

The Hon. the Speaker: Yes.

Senator Trenholme Counsell: I am sure that all honourable senators would wish to join me in wishing Your Honour a wonderful birthday, much joy and good health.

I also wish to inform honourable senators, that His Honour was also awarded the Human Rights Award in New Brunswick this year. It is a very distinguished honour, and it adds to the long list of honours that have been bestowed upon him.

Your Honour, in the days ahead, be very happy and proud and healthy.

Hon. Senators: Hear, hear!

MOUNT ALLISON UNIVERSITY NATIONAL RANKING

Hon. Marilyn Trenholme Counsell: Honourable senators, I am very glad to follow Senator Meighen today, because it is with great pride and deep personal gratitude that I salute Mount Allison University, which once again has been named the top undergraduate school in the country in *Maclean's* seventeenth annual university rankings, tying with Acadia University.

Mount Allison was ranked number one by *Maclean's* for the first 11 years of the survey, second for the next five, and has returned to the number one spot this year. This record of achievement is unmatched by any other Canadian university.

In the words of Dr. Robert Campbell, Mount Allison University's President:

> The *Maclean's* university rankings tell the world about Mount Allison's strengths, from our award-winning faculty teaching and small class sizes to our innovative residence system, which includes a sustainable residence, and a myriad of extracurricular activities .... The Mount Allison experience gives our students more than a degree and prepares them to become engaged citizens of the world.

In his installation address, President Campbell described Mount Allison beautifully and comprehensively:

> We are passionately and energetically engaged in teaching, creativity and research. We want to do undergraduate teaching and we want to do it well ... to focus on the individual student, each and every one of whom matters to us; and to focus on broad-based, comprehensive liberal arts and science education and the creative arts.
>
> We are a humane and intimate place — a residential university in a small town — Sackville — and we love and value being here.
>
> We aim to make our students the best or fullest that they can be.
>
> We bring the world to Sackville and we present Sackville to the world.
>
> We are a community of communities.

• (1410)

Honourable senators, I would be remiss if I did not mention the very special contribution to Mount Allison from Senator Michael Meighen and Ms. Kelly Meighen through the Meighen Centre, which enables students with learning disabilities to reach their full potential.

Since its founding in 1839, the words of Charles Fredrick Allison have been the guiding spirit of this small yet great university. Dedication to the development of the whole student is the fundamentally important reason why Mount Allison is the leading primarily undergraduate university in Canada.

Congratulations, Mount Allison.

[*Translation*]

THE HONOURABLE VIOLA LÉGER, O.C.

CONGRATULATIONS ON RECEIVING ORDER OF NEW BRUNSWICK

Hon. Maria Chaput: Honourable senators, I pay tribute today to one of our former colleagues in the Senate, the Honourable Viola Léger. Viola has just received the 2007 Order of New Brunswick, the highest honour awarded by the province, in recognition of the outstanding contributions and unqualified support by leaders in their respective fields.

> There is pride attached to being recognized; we are responsible for making people like us and we have to show them respect and accept the honour on their behalf.

In addition, on the last day of Acadia's FrancoFête, the Impératif français movement also honoured Viola Léger. The award offers thanks and pays tribute to individuals or groups which have distinguished themselves by their outstanding contributions to the vitality of the French language and French-speaking culture.

Viola Léger, famous for her role as La Sagouine, has become the first winner of the Prix Impératif français, instituted last spring. The organization wanted to acknowledge the talent and contribution of Ms. Léger to the French language performing arts, in Acadia as well as in other regions of la Francophonie.

Jean-Paul Perreault, the president of Impératif français, said the following:

> Ms. Léger is not done surprising us with her vitality, her energy and especially her great talent as an artist. She will go on touching and moving an audience from all backgrounds, be it in Acadia, Quebec or elsewhere in the Francophonie.

My most sincere congratulations to you, Viola Léger, former colleague, friend and grande dame of the stage. Your presence and charm are greatly missed.

[*English*]

ROUTINE PROCEEDINGS

ANTI-TERRORISM

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. David P. Smith: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Special Senate Committee on Anti-terrorism, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 193.*)

[*Translation*]

THE ESTIMATES, 2007-08

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 28, 2007

The Standing Senate Committee on National Finance has the honour to present its

SECOND REPORT

Your Committee, to which was referred the Supplementary Estimates "A" 2007-2008, has, in obedience to the Order of Reference of Tuesday, November 13, 2007, examined the said estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chairman

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1415)

[*English*]

PERSONAL WATERCRAFT BILL

FIRST READING

Hon. Mira Spivak, presented Bill S-221, An Act concerning personal watercraft in navigable waters.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

On motion of Senator Spivak, bill placed on the Orders of the Day for second reading two days hence.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine issues relating to the federal government's new Science and Technology (S&T) Strategy — *Mobilizing Science and Technology to Canada's Advantage.*

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY—EXTRADITION OF KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, unlike the government's top lawyer, Rob Nicholson, Mr. Schreiber has a lawyer who actually knows what he is talking about, particularly when he is quoted in *The Globe and Mail* as saying, "the government is speaking out of both sides of its mouth and really, the appearance is that there was never any intention to have a public inquiry."

Mr. Nicholson, on the other hand, says that he cannot stop the extradition of Mr. Schreiber, although it is clear in the Extradition Act that he does have the powers to do so and despite the fact that particular interpretation has been verified by the clerk of the Standing Committee on Justice and Human Rights in the other place.

My question to the Leader of the Government in the Senate is this: Are the Prime Minister and Mr. Nicholson purposefully misleading the Canadian people, or is Mr. Nicholson simply a bad lawyer?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Minister Nicholson was acting on advice that was provided to him by the Department of Justice. The minister made it clear that he would not, and does not, interfere with the business of the committees in the House of Commons, and of course he did not.

As the honourable senator knows, a motion was put forward yesterday in the House of Commons for a Speaker's warrant, which all parties supported. I was informed by the news broadcasts that I was watching over the lunch hour that Mr. Schreiber is on his way to Ottawa.

Senator Mitchell: The minister said he does not have the power to stop the extradition treaty. Will the Leader of the Government in the Senate answer this question: When the Extradition Act says that "The Minister may amend a Senate order at any time before its execution," what possible interpretation could there be other than the Justice Minister can stop that extradition and prevent the sabotage of that public inquiry?

Senator LeBreton: All I can say, honourable senator, is that you said, "a Senate order." I do not know what that is.

An Hon. Senator: He misspoke.

Senator LeBreton: The fact is that the Minister of Justice was taking advice from the lawyers in the Department of Justice. I am not a lawyer myself, so I have no way of interpreting what different people say. However, the Minister of Justice was acting on advice provided to him by lawyers in the Department of Justice.

• (1420)

Senator Mitchell: As is often said, it is not the scandal that gets them; it is the cover-up that gets them.

I wonder what Canadians could possibly conclude other than the fact that there is a cover-up, that there has been a cover-up, when the Prime Minister of this country sits on important incriminating information — documents — for seven months, and then he mortally sabotages the very inquiry that might reveal why he did that?

Senator LeBreton: Senator Mitchell is absolutely wrong. Nothing in this Mulroney-Schreiber matter has one single thing to do with this government. There is no cover-up; the honourable senator knows there is no cover-up. The committee in the other place decided they wanted to hear from Mr. Schreiber. They have taken the appropriate steps to make that happen — and again, I repeat, we all take our responsibilities very seriously. I, for one, as a member of the cabinet, know my responsibilities and the oath I swore.

By the way, most people believe this matter has absolutely nothing to do with the government. The only thing that changed for the government was when, on November 8, Mr. Schreiber swore a new affidavit that involved the Office of the Prime Minister.

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS—RESPONSE FROM UNITED STATES HOMELAND SECURITY SECRETARY

Hon. Francis William Mahovlich: Honourable senators, my question is to the Leader of the Government in the Senate. Last week, The Canadian Press reported that the Minister of Public Safety, Stockwell Day, had sent a letter to his U.S. counterpart, Homeland Security Secretary Michael Chertoff, communicating his concern about border security policies following two incidents in which Canadian emergency workers, en route to the U.S. to assist in life-threatening situations, were delayed by American customs officials. Both incidents were mentioned in this chamber last week. The Department of Homeland Security has acknowledged that it has received Minister Day's letter and has said that it will respond shortly.

Is the government in receipt of a response from Secretary Chertoff, and, if so, what was that response? How does the government intend to work with the U.S. to prevent such potentially deadly situations from happening again?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The Honourable Senator Mahovlich is quite right in saying that senators on both sides of the chamber expressed their dismay over both incidents, the fact that an ambulance was stopped by United States customs officials and the situation where Canadian firefighters were rushing to assist in putting out a fire on the U.S. side of the border.

As stated by Senator Mahovlich, Minister Day has written to the Homeland Security Secretary. I am not aware of what the response — which I hope is forthcoming quickly — might be, but I am as curious as Senator Mahovlich to find out.

I shall take Senator Mahovlich's question as notice and try to find out as quickly as possible the excuse for this obvious mistake that was made at the border.

BORDER SERVICES AGENCY—CROSSING DELAYS—IMPROVED DRIVERS LICENCE

Hon. Francis William Mahovlich: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate.

First, let me begin by applauding the provinces of Ontario and Manitoba for beginning to work towards a high-tech driver's licence, to make it easier for travellers to visit the U.S., licences that will contain citizenship information and be used in place of passports. Given that day trips to the U.S. are at a six-year high, high-tech driver's licences will be beneficial in the future.

Until then, however, we will continue to see long waits, sometimes as much as three and a half hours, as was the case in Alberta over the Remembrance Day weekend.

• (1425)

Is the federal government doing anything to encourage all provinces to create high-tech licences to ease the stress on travellers to the U.S.?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Minister Day has been in contact with his provincial counterparts. The honourable senator is right, those provinces that have indicated they are providing licences that will make access back and forth across the border easier are to be commended.

As honourable senators will know, Minister Day announced in January of this year an investment of $430 million over five years for the Security and Prosperity Partnership of North America to work on various programs to ensure quick access, especially for businesses operating back and forth across the border. The NEXUS program is now one program.

As mentioned last week, the problem was compounded by the spike in the Canadian dollar, which caused a significant amount of congestion at the borders. That appears to be lessening because many Canadian retailers are actively advertising the advantages of shopping at home. The congestion at the U.S. boarder has eased somewhat since the Canadian dollar has levelled off to near parity with the U.S. dollar.

I mentioned last week that Minister Prentice has been to Washington, and Ministers Prentice, Emerson, Day and Bernier and our ambassador to Washington are all working on this issue. I mention that to assure honourable senators that the government is aware of the seriousness of the border issues.

THE ENVIRONMENT

NATIONAL PARKS—BOUNDARIES OF NAHANNI NATIONAL PARK

Hon. Nick G. Sibbeston: Honourable senators, my question to the Leader of the Government in the Senate relates to the Nahanni National Park in the Northwest Territories.

Last August, Prime Minister Harper went to Fort Simpson in the Northwest Territories to announce land withdrawals for the expansion of the Nahanni Park. For the past two years, there has been a consultative process held on possible boundaries for the park. There is a debate in our region as to the extent to which the area of the park would be increased, and the park proposes that it be expanded up to seven times. This consultation was completed last week without the release of the Mineral and Energy Resource Assessment, or MERA. The MERA, which is required by the Canada National Parks Act, provides for a geological survey and mineral analysis of the lands that could be included in a future park.

In other words, this consultation process proceeded without an important document, namely, the study that would outline and delineate the extent to which there are mineral resources in that area.

In my view, the consultation process is flawed. People deserve to have all the facts before them when they are considering the expansion of a park and to know the benefits of a park and what the alternatives would be for the use of the lands.

In my view, a new consultation process is required, possibly by someone other than Parks Canada, which has a vested interest in the outcome.

Will the Leader of the Government in the Senate discuss the matter with the Prime Minister or her colleague Mr. Baird and provide assurances that the government will undertake further consultations among all stakeholders before a final decision is taken on the boundary, and that such consultation will include all relevant information, including the MERA?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I will definitely seek information on MERA from the Minister of the Environment. The honourable senator will know that the Minister of the Environment announced last week that the government has secured the protection of 10 million hectares for a new national park in the Northwest Territories. This is an area twice the size of the province of Nova Scotia. With regard to the honourable senator's specific question on the consultations, I will be happy to take his question as notice and obtain the information for him.

• (1430)

STATUS OF *TORONTO STAR*

COMMENTS BY SIMON REISMAN

Hon. Joan Fraser: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, during Question Period, she quoted Simon Reisman's remarks some years ago to the effect of "The *Toronto Star*? That rag? You call that a newspaper?"

The leader explained a little later that this was an effort to inject some humour into our proceedings, and I am sure none of us object to that; still, these things do stay on the record.

I understand that Simon Reisman may not have liked the *Toronto Star*'s editorial pages. They opposed the bilateral free trade deal. I understand that the Leader of the Government may not like the *Toronto Star*'s editorial pages. They probably make her feel approximately the way the *National Post*'s editorial pages make me feel. She has my sympathy.

However, it is important to distinguish between editorial pages and the newspaper as a whole. The *Toronto Star* — which, incidentally, is a newspaper with which I have not ever been associated — is not only Canada's largest newspaper; it is, by any measure, one of Canada's and, arguably, one of the world's best. In the past 10 years alone, the *Star* has won 23 national newspaper awards, and three Michener awards. These are the highest honours that Canadian journalism has to offer. They are awarded by independent juries in a rigorous and competitive process. If one went back to previous decades, one would find similar illustrious results.

In light of that, I ask the leader if she would perhaps be willing to agree with me that for once in his life Simon Reisman may have been wrong?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am sure the *Toronto Star* will very much appreciate the honourable senator's commercial on their behalf. This issue has absolutely nothing to do with government policy. Everyone has views of the various newspapers in the country, and the honourable senator is

entitled to her opinion. Obviously, the *Montreal Gazette* would be high on her list; that is to be understood. The fact is that what Simon Reisman said about the *Toronto Star* or what the honourable senator believes are the many qualities of the *Toronto Star* contribute to an interesting side debate, but it has absolutely nothing to do with the activities of the government.

JUSTICE

YOUTH CRIMINAL JUSTICE ACT

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate.

Last Thursday, in my first question to the Leader of the Government, I initially used the word "denigration." The leader said the word was "denunciation," and so I used that word in my next two supplemental questions. I was quite willing to accept that the word was "denunciation," but she could not tell me what "denunciation" meant.

Yesterday, during Senators' Statements, she stated that denunciation was a sentencing principle. Again I ask the minister: In what way will this sentencing principle be imposed?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, first, as I said in my statement yesterday, "deterrence" and "denunciation" are two words that we are attaching to what we hope will be the new Youth Criminal Justice Act. Obviously, a society that wishes to respond to a heinous crime would want these provisions available to the courts. The Youth Criminal Justice Act expresses the feelings of society when serious crimes are committed against our fellow citizens. As I said in my answer last week, judges will take this matter into consideration when handing down sentences. I will not presume to say that a judge will decide, in handing down a sentence, whether the denunciation part of the sentencing provisions applies to the crime the judge is adjudicating.

• (1435)

Senator Carstairs: Honourable senators, with the greatest respect, I think we all understand that if a young person is convicted of an offence in the youth criminal justice system and is sentenced to three years of incarceration, that principle is generally considered to be the principle of deterrence.

However, in what way will this young person be denounced? Will the individual be ridiculed, verbally assaulted or told daily that he or she is a miscreant in society? What does it mean?

Senator LeBreton: Denunciation is a sentencing provision that allows society to condemn the crime. Denunciation, as a sentencing principle, refers to society's condemnation of the crime. I do not know how else to explain this principle.

AMENDMENTS TO CRIMINAL CODE—MANDATORY SENTENCING

Hon. Sharon Carstairs: Honourable senators, can the minister explain why this government seems to have confidence in judges in this country to enunciate the denunciation principle but has no confidence in them with respect to the Criminal Code, as the government is demonstrating now by insisting on mandatory sentences for almost every crime, therefore leaving judges no discretion whatsoever?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, first, that claim is not true. Second, no Canadian citizen would challenge a decision, whether they agreed with it or not, of a judge unless they appealed it in court.

The Criminal Justice Act simply strengthens the youth criminal justice system. With regard to mandatory minimum sentences, Parliament legislates on criminal law under the Criminal Code and the judges interpret and enforce those laws, so that amendment is not a statement of lack of confidence in our judges. The government is simply saying that the Criminal Code should be amended for serious crimes so that there is some direction from society on how society expects these criminals to be dealt with.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY—EXTRADITION OF KARLHEINZ SCHREIBER—MINISTERIAL RESPONSIBILITY

Hon. Tommy Banks: Honourable senators, I had a prepared question, but I will defer it because I am inexorably drawn to the subject raised by Senator Mitchell.

The Westminster system of parliamentary governance, in my limited understanding, is based upon a couple of important things, and one of them is direct ministerial responsibility. The assumption is that junior people are managed by middle managers, senior people look after and are responsible for the middle people, and ministers are ultimately responsible for senior people.

In the situation as described, we have either a minister who is so enthralled by his senior advisers that he is unable to make a decision on his own, or a minister who has incompetent senior advisers who have, in this case, advised him incorrectly. One of those two things is true.

• (1440)

In any event, my question to the minister is, have we now completely abdicated from the principle of ministerial responsibility?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government has absolutely not abdicated the principle of ministerial responsibility. Senator Banks would be the first to howl from the bottom of his lungs if the Minister of Justice did not respect his ministerial responsibilities. The minister is taking advice from senior lawyers in the Department of Justice. I am sure they will be thrilled to hear Senator Banks' comments.

Having said that, Parliament is supreme and the Minister of Justice is clear that it would be irresponsible for a minister to intervene in the committee proceedings of Parliament. In terms of the committee hearings in the other place, the Minister of Justice

was following the advice of senior lawyers in the Department of Justice. I do not understand how Senator Banks could then interpret the fact that the minister is following the advice of the Department of Justice lawyers as not being ministerially accountable. The two do not seem to fit together.

Senator Banks: They fit together precisely. One cannot have a situation in which a mistake is made and nobody is responsible. That cannot exist. Someone made a mistake.

An Hon. Senator: There is no mistake.

Senator Banks: A grade 6 person reading the act can read very clearly what the act says. Someone has made an error in the interpretation of this act. It is the minister, his senior advisers or both. It is not possible to arrive at any other conclusion.

I ask my question again: Is the minister no longer responsible for the actions of his department or, in this case, inactions of his department?

Senator LeBreton: Senator Segal asked the question, "Where did you go to law school, Senator Banks?"

The fact is, the Minister of Justice has taken the advice of his departmental lawyers and obviously has faith in their advice. The honourable senator says that someone made a mistake. Senator Banks made the automatic assumption that the Department of Justice lawyers made a mistake, which is interesting. I am simply saying that the Minister of Justice has followed the advice of the Department of Justice lawyers. I do not think there is anything else that can be said about it.

Yesterday, the committee chair tabled a motion in the House of Commons which was unanimously approved by all political parties and the warrant was issued. According to the noon news, the person in question is on his way to Ottawa. Not much more that can be said about the issue.

Senator Banks: I presume the minister's advisers would probably have given him a written opinion in this respect. Would it be possible to ask that the leader table it here?

Senator LeBreton: Senator Segal is absolutely right. Such a document would be advice to cabinet, and Senator Banks knows as well as I that it is neither possible to obtain such a document, nor to table it here.

Hon. Anne C. Cools: Honourable senators, I understood the honourable leader to say that the advice to which Senator Banks was referring was advice to the cabinet. I would like to have that clarified. Were the departmental lawyers giving advice to the cabinet and the Prime Minister, or to the Minister of Justice?

• (1445)

Senator LeBreton: Honourable senators, I believe I have made it very clear that the advice was given to the Minister of Justice. The Minister of Justice is a member of cabinet, so it would fall under the general category of advice to cabinet.

To be precise, the advice was given to the Minister of Justice; it is not publicly available and, therefore, will not be tabled in the Senate.

[Senator LeBreton]

[*Translation*]

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-201, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Comeau*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to make a few comments here today before this bill is referred to the National Finance Committee.

I truly hope and I am confident that the honourable senators of the National Finance Committee will examine this bill very carefully. I know committee members will dedicate all the time they need to the study of this bill and that they will address all concerns raised by certain honourable senators.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance Committee.

[*English*]

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: I shall take a minute to ask the Deputy Leader of the Government whether he has anything new to report on this lighthouse bill. In particular, will he confirm that he has received from Senator Carney copies of letters addressed to her dated May 9, 2007, from the Minister of the Environment, Mr. Baird, and dated September 19, 2007, from the Minister of Fisheries and Oceans, Mr. Hearn?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I do have a couple of letters to refer to. However, first, I wish to refer to a comment made by Senator Carney back on November 21, 2007.

Honourable senators might recall that I had made comments at the time with regard to there being a change of ministers with respect to this bill and its predecessor. I had said that a new minister was put in place, to which Senator Carney replied that I was dead wrong. Let me quote the record. She said, on November 21, 2007 — and I quote:

> . . . the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

One of the reasons I take more time than usual in preparing my comments on bills is that I check the facts. The Minister of the Environment in December 2006 happened to be Rona Ambrose, who ceased to be the minister on January 3, 2007. That is only one example of how I check facts when I make comments in this chamber.

• (1450)

Regarding the letters in question, I indicated that I wished to see any letters of support from ministers. I have the letter from Senator Baird, who is the lead minister on Bill S-215, and nowhere in the letter does it say that he supports the bill, the principles of the bill or the objectives of the bill. He relates that, "I appreciate the leadership you have provided with this bill as well as the public support it enjoys." However, the letter does not indicate whether he has looked at the bill in any way, or whether he supports the bill.

Minister Baird would have responsibility for the process by which lighthouses would be designated. Therefore, he would handle the operational aspects of the designation, and the Department of Fisheries and Oceans would fund the heritage lighthouses. I have a copy of a letter from which I will read a couple of lines.

Senator Murray: I am glad to hear the honourable senator. We are all glad to hear the honourable senator. I assume these comments are the beginning of his intervention in the debate. These comments are debating points.

Senator Comeau: If Senator Murray believes this to be a part of my speech, it is not. I am responding to a direct question.

Senator Murray: Now that we have both referred to the letters, I think it is incumbent on one of us to table them.

Senator Comeau: I would be more than happy to. However, I want to keep these copies as they are my sole copies. Honourable senators, I ask you to read the full text of the letter carefully.

The Hon. the Speaker *pro tempore*: Is leave granted for the tabling of documents?

Hon. Senators: Agreed.

Order stands.

STATUTES REPEAL BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I rise today to voice once again my enthusiastic support for Bill S-207, the new incarnation of Bill S-202 in the last session, an Act to repeal legislation that has not come into force within ten years of receiving Royal Assent.

As a relatively new member of this chamber, I have learned many things from many people on all sides. From Senator Banks, I have learned the value of perseverance, amongst other things. This particular measure is so rational and is such a clear claim on the part of this chamber and on behalf of Parliament overall, of accountability in respect to the bureaucracy and the decisions they make far from the public view, it is incumbent upon us to dispatch it as quickly as possible to committee so it might be passed.

The other place and this place are responsible for introducing, debating, amending, voting and finally passing legislation that is expected to receive Royal Assent and become the law. Only at this point is the will of Parliament fully expressed. It is also the demonstration of the majority will via elected representatives. When the delegation of authority determines the date the legislation comes into force and is given to the Governor-in-Council, it is not unreasonable that there be some time limit on how long that authority can last. Currently, such limitation does not exist. Bill S-207 remarkably and constructively provides for such a limitation.

The will of the people is forfeited when legislation is left in limbo for years, or when bills that have been duly introduced, debated and passed by both chambers are left to languish on a shelf for, in some cases, more than a decade. At some level, public servants are acting in contempt of the will of this chamber and the other place.

Currently, there is no mechanism by which the executive is held accountable. Subsequently, it has absolute discretion. Bill S-207 does not diminish the discretion of the executive, but merely puts a reasonable time limit on it. It allows the government to govern and provides the necessary and currently lacking mechanism whereby acts or portions of acts can be revisited in a timely manner.

Honourable senators, bills that are subject to our rigorous process, pass both Houses, receive Royal Assent and are not brought into force after ten long years bring Parliament and democracy into disrepute. When Parliament has expressed its opinion and intent, there should be some assurance the government will act on that intent. While it may be the right of the executive to choose the appropriate moment to bring a law into force, the 10-year window suggested in Bill S-207 should be more than adequate. For whatever reason, should more time be required, the mechanism is in place for the government to return to Parliament and renew the authority.

I agree wholeheartedly with Senator Banks that this bill would serve as a red flag to Parliament that unfinished business is collecting dust on the shelf. At that point, the government can make the case for more time or remove the law from its books. The requirements of Bill S-207 are not unreasonable. The decision to repeal the laws and amendments that do not come into force, for whatever reason, within a 10-year window, and have become out-dated is not unreasonable. The Canadian public expects its representatives to be practical, open and accountable. It is practical to allow legislative provisions that have been passed and given Royal Assent to come into force within a decade.

I ask that honourable senators on all sides review Bill S-207, recognize its soundness and move it to committee. I commend this bill to both majority and minority leaders for rapid transmission to the appropriate committee for quick disposition.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Senator Comeau: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1500)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*— reinstatement of bills from the previous session of the same Parliament), presented in the Senate on November 20, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon moved the adoption of the report.

He said: Honourable senators, the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament was first presented to the Senate in the First Session of the Thirty-ninth Parliament as the sixth report of the Rules Committee. It had been moved for adoption, but a decision had not been made. The second report recommends amendments to the *Rules of the Senate* to provide for a mechanism for the reinstatement of bills from the previous session of the same Parliament.

This issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years, but no rule has ever been adopted in that regard.

The Senate has no procedure pertaining to the reinstatement of bills following a prorogation. Consequently, some bills, particularly non-government bills, have been reintroduced and debated or studied in a number of successive sessions, which has been the subject of some frustration for the sponsors of those bills, I am sure.

Since 1998, the House of Commons has provided for the reinstatement of bills that are not government bills from previous sessions in the same Parliament. There is no mechanism in their Standing Orders providing for automatic reinstatement of government bills, but reinstatement is often achieved by passing a substantive motion to that effect at the beginning of the session.

Senate public bills can also be reinstated in the House of Commons at the same stage they had reached during the prior session if such bills are reintroduced in the House of Commons within the first 60 sitting days of the session, after being passed again by the Senate.

It has been suggested that reinstating business at a previously reached stage somehow contravenes fundamental principles of parliamentary law. This subject was discussed in committee. However, both the House of Lords and the House of Commons in the United Kingdom provide for the reinstatement or carry-over of bills between sessions of the same Parliament as do, I understand, four provinces. It seems that the privilege of being able to order one's business would include specifically this kind of decision. This is a point I wish to emphasize: The second report proposes that the Senate adopt a process that allows it to take a substantive decision on the ordering of its business. The Senate at all times retains its control over its business.

Bills often take a long time to work their way through the legislative process and the Senate and senators have no control over the date at which prorogation occurs. Reinstatement of bills under this proposal can ensure that the time and energy that have been invested in the consideration of bills are not lost.

The committee proposes that the mechanism for reinstatement of bills be based on the following principles:

First, reinstatement is not automatic; each proposal to reinstate a bill must be considered on its own merits. The debate on the substantive motion shall not, however, exceed two hours.

Second, the Speaker must be satisfied that a bill whose reinstatement is proposed is indeed in the same form as it was in the previous session. Our committee has defined what is meant by "the same form."

Third, reinstatement of bills should be available for all bills: government bills, senators' public bills and private bills originating in the Senate, as well as for government and private members' bills from the House of Commons.

Fourth, reinstatement of bills as proposed would not include an automatic third reading in the new session, in order to allow a final reconsideration at that stage before sending it to the House of Commons.

Finally, reinstatement of bills would not apply between Parliaments.

This is a complex issue, and the report was developed after many hours of discussion and reflection, and I believe there will be considerable discussion and reflection in this chamber. The concept must accommodate the different kinds of bills that we deal with, and the procedures of the chamber. Only bills that meet certain criteria and receive the approval of the Senate will be allowed to be reinstated, and in no event will a bill be allowed to pass without a final opportunity for debate and vote. The committee believes that these procedural changes achieve a balance of the competing issues and interests involved.

Hon. Anne C. Cools: Honourable senators, I fear that we have not been given an exposé of the legal or constitutional basis of the proposals, but rather an emotive and important statement of the need for backbenchers' bills to be better treated by government.

The chairman claimed that the privileges of the houses to order their own business allow senators or members of the House of Commons to overcome the law of prorogation. Could he tell me two things: First, how can a law of Parliament defeat a prorogation or dissolution or any of the proclamations? Second, what are the limits to reinstatement? In this instance, reinstatement of bills is proposed. However, could the house decide to reinstate committees and committee chairmen or Speakers and leaders?

I am prepared to give the honourable senator some time to consider the questions.

Senator Keon: Senator Cools spoke at length in committee about the fundamental principles of parliamentary law and whether this attempt to move bills along expeditiously was in contravention of the fundamental principles of parliamentary law. Personally, I do not believe so, but I am a doctor, not a lawyer. For example, in the 14 items that the committee recommends as a change to the rules, I do not believe there is anything in any of those paragraphs that overrules in any way the power of the Senate. The Senate must decide ultimately whether this accelerative process that is sought in these recommendations and amendments contravenes the law, given that every bill must go through third reading.

• (1510)

There are some very knowledgeable people in the Senate, including some outstanding constitutional lawyers. Since the honourable senator feels strongly about this and expressed that clearly in committee, I raise the issue in my remarks and I hope it will stimulate further debate.

I am not sure the honourable senator will be satisfied with my answer. I am only saying that I do not think that these new rules and amendments in any way contravene parliamentary law.

Senator Cools: The honourable senator may be somewhat confused about what I actually said. I said that the law of the privileges of the Senate has no power to oust the law of the prerogative — either prorogations or dissolutions or anything of that power in any of its forms, Royal Assent or any of those powers. They are two areas of law.

In any event, honourable senators, maybe I will speak to the item myself.

On motion of Senator Cools, debate adjourned.

ARTHRITIS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Comeau, calling the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.—(*Honourable Senator Keon*)

Hon. Joseph A. Day: Your Honour, I wish to speak on this particular matter. I understood that Senator Keon was planning to speak, but if he is not, I wonder if he would yield to permit me to make a short intervention and then allow the matter to be adjourned in his name again.

Senator Keon: Yes.

Senator Day: Honourable senators, I thank Senator Comeau for bringing this inquiry before the Senate. The information that was conveyed in his thorough and detailed speech yesterday on this matter was helpful. I urge other senators to do likewise with respect to this type of item, such is the condition of arthritis that we may not be as familiar with it as perhaps we should be, unless we happen to be afflicted by the condition or one of our loved ones is.

Senator Comeau pointed out yesterday during his speech that there are types of arthritis that are fairly well known and others that are not so common or well known. It is one of those other rare diseases that I bring to the attention of honourable senators.

There are a number of representatives on Parliament Hill today trying to bring the subject of pulmonary hypertension to our attention. Representatives from the Pulmonary Hypertension Association of Canada are here. Pulmonary hypertension is one of those rare diseases that does not afflict that many Canadians, but those that are afflicted by it are certainly in dire straits.

Pulmonary hypertension is a type of high blood pressure in the lungs. It affects up to 5,000 Canadians of all ages. There is currently no cure for this particular condition; and, if untreated, the condition will claim the lives of 50 per cent of patients within the first two years after diagnosis.

Honourable senators, one in 10 Canadians will be diagnosed with a rare disorder such as pulmonary hypertension. There are approximately 5,000 such disorders in Canada affecting Canadians.

As honourable senators might suspect, there is not a comprehensive drug plan for these limited types of rare disorders. Therefore, the Pulmonary Hypertension Association of Canada is trying to bring to the attention of Canadians the importance of having a drug policy to respond to patients with rare disorders.

There is a reception which will continue until 5 p.m. in Speaker Milliken's office, and I urge honourable senators to visit and meet with the representatives from the Pulmonary Hypertension Association of Canada and the Canadian Organization for Rare Disorders so that we might learn more about conditions such as this one and the ones that were brought to our attention by Senator Comeau yesterday.

The Hon. the Speaker *pro tempore*: It is understood, honourable senators, that this question remains adjourned under the name of Senator Keon?

Hon. Senators: Agreed.

On motion of Senator Keon, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:
>
> WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)
>
> AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House since the constitutional agreement establishing its existence
>
> AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum
>
> THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and
>
> THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I feel very awkward today speaking in opposition to the present motion of Senator Segal, because he was so kind in speaking in favour of my bill.

I am impelled to speak because, if we get to it today, I will be making a motion, which I gave notice of yesterday, that deals in a different way with the same subject. The honourable senator and I have, in these respects, the same object and end, which is a crystallization of many questions that surround the institutions of Parliament; and I believe one of our motions obviates the other.

I will explain to senators, and to Senator Segal in particular, why I think that difference is important. In fact, it was Senator Segal who reminded me that it was Lord Acton who said something to the effect that the elected legislator who does blindly the bidding of his electors is doing them a great disservice. That is not why we elect people to office in the capitals of our country. We elect them — at least we are supposed to — because we repose in them our confidence in their good judgment. That should be the reason that we elect people to office.

By comparison with what Senator Segal has proposed, I prefer the Charlottetown process, which is one in which the elected heads of the different orders of government in Canada came up with a proposal that they made to the Canadian public. It was an informed proposal and the Canadian public were, in that case, under the provisions of the Referendum Act, given an opportunity to express an opinion on it, which they did. I happened at the time to have been a proponent of that proposal and lost the battle. As we all know, the situation in Alberta was as it was in other provinces.

The question that we are both trying to solve is more complicated, I suggest, than the answer that would be arrived at by Senator Segal's present proposal. It is more complicated than a straight up and down question — yes or no, should we abolish the Senate — which is the point of this discussion. This question has many more facets than that, and those facets would be much better understood by all of us, and by Canadians, if the first ministers were able to meet among themselves in public and arrive at a conclusion as to what their view is of the institutions of the Canadian Parliament and present them in a referendum, which would follow as a matter of course.

Senator Segal: He is right.

Senator Banks: Honourable senators, the public would be better informed in that respect and we would be better informed. We would learn things from such a process.

It is important that the public be better informed. It is clear that the public will eventually determine all of these things with the agreement of, one hopes, the constitutional Parliament and all of the necessary provincial and perhaps territorial involvement. It is for that reason that I oppose Senator Segal's motion. I cannot do otherwise because of the motion which I will make shortly, and which is in opposition to it.

• (1520)

Hon. Lowell Murray: Senator Banks began by quoting Lord Acton and ended by sounding like Martin Luther: "Here I stand. I can do no other. God help me."

Honourable senators, if this motion were passed, it would constitute advice to the government; however, as we all know, it would not be binding on the government. Even if the government were to take the advice of the Senate and hold the referendum on

abolition, the referendum result would be non-binding. The government would still have to institute the process of constitutional amendment with the provinces.

The following questions then arise: Why bother with the motion? Why support Senator Segal's motion? First, abolition is clearly one of the options being considered by the government. The Leader of the Government in the House of Commons and Minister for Democratic Reform made that clear several times in his speech in the House of Commons at second reading of Bill C-19 on November 16, 2007.

Second, two Senate reform proposals sponsored by the government — Bill C-19, on term limits; and Bill C-20, on elections — are going nowhere, and the government knows they are going nowhere. Quite apart from the hurdle of getting those two bills through two Houses of Parliament in which the government is in a minority position, at least three provinces have made their view abundantly clear that one or the other or both of those bills are ultra vires the competence of the federal Parliament acting alone.

As recently as the day before yesterday, Premier Charest and Premier McGuinty reiterated their position on that point, and they have served notice that they would challenge in court if Parliament were to pass those bills. What does that mean? In the courts of at least three provinces that I am aware of, New Brunswick, Quebec and Ontario, the challenges would wend their ways and ultimately come to the Supreme Court of Canada for final adjudication. If the government were serious about proceeding with government reform at this time, they could save a great deal of time, money and trouble by referring Bill C-19 and Bill C-20 to the Supreme Court of Canada now, which they should do.

The government could follow an alternative, with a constitutional amendment in mind: The government could draft a succinct model of Senate reform and ask Canadians, through a referendum, to pronounce on it. If the government's succinct model of Senate reform were to receive the support of enough voters in enough provinces, the Prime Minister could walk into a meeting of first ministers with a very strong hand indeed.

Premier Charest and Premier McGuinty yesterday, and Senator Banks today, indicated their common preference to start in the usual way, that is, with a first minister's conference. Of course, there would have to be a first minister's conference, but I do not see anything objectionable to the federal government just putting its position forward in a referendum and then going to a first minister's conference preparatory to launching the formal amendment process.

In my opinion, coming up with a succinct model of Senate reform would not be as complicated as it might appear to be on the surface. The government has already crunched two of the issues: First, they want an eight-year term for future senators, which they would probably make renewable in the case of an elected Senate; and second, it is fair to say that, notwithstanding this consultative election contained in Bill C-20, Mr. Harper's strong preference would be for direct election of senators. Those two issues have been crunched as far as the government is concerned, and its position is clear.

The first of two other elements that they would have to come up with is representation, for which there is not an infinity of options before the government. They could come up with some reasonable balance of regional or provincial representation in the Senate. The second element is the question of powers. There again, the government would not need to draft a lengthy blueprint of powers. The main issue the government would have to address in the form of a referendum question is the relationship of the Senate to the House of Commons and whether the Senate would have an absolute veto or a suspensive veto. The main issue is whether the House of Commons would have primacy at the end of the day. That would lend itself to a succinct question on a referendum balance.

The government is doing none of those things. I am not embarrassed at all to express the view that the federal government is ragging the puck on Senate reform. They are going on ad infinitum and, instead of taking a direct approach, they are taking an indirect, circuitous and devious approach that will end at a dead end, which they well know.

One option would be for one of the provinces to concentrate our minds by passing a proposed constitutional amendment for abolition and then start the clock ticking. Senator Segal's proposed referendum on abolition might not be anyone's first choice, but it would move us off dead centre and in a straight line. As well, it would get the attention of the country on the issue in a concrete way.

With all the loose talk that has been heard on Senate reform and the Senate, it is time to focus on first principles. We need the benefit of a thorough discussion on whether Canada wants a unicameral or bicameral Parliament. Does Canada need a Senate? Does Canada need any kind of Senate?

Those who vote for abolition perhaps will have been persuaded by one or more of the following arguments: First, many other democratic countries have unicameral Parliaments. I know that most federations have bicameral Parliaments, but in none of those federations, certainly not in the United States, Australia or Germany, does the constituent parts — the provinces or states — have the constitutional and fiscal powers that our provinces have. A strong argument can be made that those states need an upper house at the centre to represent their interests and that ours do not need that.

Second, experience, sadly including fairly recent experience, shows that party solidarity almost always trumps the regional role in respect of legislative votes in this place.

Third, many of our provinces had bicameral legislatures and all of them have abolished their upper houses. In many of those provinces, in particular the bigger ones, there are still regional and other minority tensions. However, no one suggests that any of those provinces should recreate their upper houses as a way of reconciling or resolving those tensions.

Fourth, Canadians are over-governed already. We could save some money by doing away with the Senate.

Fifth, the many non-governmental organizations, policy advocacy groups, cultural and linguistic organizations, professional and occupational groups, and think tanks, all of

whom now participate in the policy development and the legislative process and do so with the active encouragement of government and political parties, have become much more prominent and influential in setting the national agenda than the Senate is.

Sixth, our 25 years of experience with the Canadian Charter of Rights and Freedoms has made the Senate's role in protecting minority rights rather marginal.

Seventh, the existence at both the federal and provincial levels of various ombudsmen, human rights commissions, appeal boards, complaints committees and so forth provides a much better recourse for citizens and a redress for injustice and the capacity to overturn arbitrary decisions of government.

• (1530)

Eighth, the increasing tendency in the House of Commons to amend bills there, even under majority governments, and the growing practice of referring bills to committees in the House of Commons after first reading are overtaking the Senate as a revising chamber.

Ninth, a second chamber, whether its members are appointed, elected by proportional representation or on the basis of provincial or regional balance, contradicts the basic democratic principle of representation by population and to the extent it does so would be undemocratic.

Tenth, all efforts to achieve a reformed Senate having failed, it is better to abolish the present body and rebuild it from the beginning.

Honourable senators, as I am sure you appreciate, I am not making myself the advocate of any of these arguments. However, the people of Canada need to hear them and hear the counter-arguments of those who hold that Canada needs a bicameral Parliament. In a referendum campaign, some will argue that abolition of the Senate would be preferable to the status quo. That is the position of the government, as stated several times by Mr. Van Loan. Others will argue that abolition would be preferable to some of the more exotic models of a reformed Senate, models that would paralyze the federal government and deadlock the federal Parliament. That, as some honourable senators know, has been my position.

Others, while opposed to the status quo, will also oppose abolition of the present Senate. Keep it to reform it, they say. Others in favour of a new Senate argue, as I have suggested, that the only path to reform is on the ashes of the present Senate, so abolish it and start over. Others will argue that a second chamber, as a check on the power of the executive government and of the House of Commons, is so essential that even a body as imperfect as our present Senate is better than unicameralism.

Honourable senators, some people in the media and in the other place portray us alternately as quaking in our boots before the prospect of abolition, or digging in our heels to obstruct progress. How is that for a mixed metaphor? I say there is nothing to fear from trusting to the judgment of the people. Let us pass Senator Segal's motion and give the government and the country something to think about.

On motion of Senator Tardif, debate adjourned.

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—ORDER STANDS

Leave having been given to revert to Senate Public Bills:

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Dallaire*)

Hon. Roméo Antonius Dallaire: Honourable senators, I requested to return to this item because, as I prepare to respond to Senator Segal's bill, I have become aware that the government all of a sudden in the other place is commencing a process that, from what I can gather, will absorb this specific bill inasmuch as it goes beyond the federal public service to encompass, at large, employment protection for reservists. My desire in no way is to withhold the process. My work in preparing a response to this bill is wholly supportive of the fact that in my personal experience the federal government has been the worst employer in Canada for supporting reservists in many facets.

However, can the honourable senator clarify whether I am wasting my time? Will this bill continue or be overtaken by what is happening in the other place?

The Hon. the Speaker *pro tempore*: Senator Segal did not make a speech so he cannot answer your question.

Senator Dallaire: Then I query the house in process. If we have a quandary between the two Houses in regard to a subject, do we pursue the subject or is there some means by which one bill is eliminated by process? If so, how does that process work?

Hon. Hugh Segal: On a point of clarification or a point of order? I defer to others.

Hon. Tommy Banks: Is there a danger that if Senator Segal speaks now that act would close the debate?

The Hon. the Speaker *pro tempore*: No, he will answer Senator Dallaire's point.

Senator Segal: As a point of clarification, I, Senator Dallaire and other colleagues sat in this chamber and heard Her Excellency read commitments in the Throne Speech with respect to protecting the reserves in a fashion that has not heretofore happened. I agree with every assertion about the federal government that my honourable colleague has made in the past.

I believe, as he does, that the government intends to keep the promise as laid out in the Speech from the Throne and bring in comprehensive legislation. I believe we have seen reports in the media of the Minister of Labour meeting with his counterparts across Canada, the last meetings having taken place in Prince Edward Island resulting in a commitment by that administration to move directly with respect to legislation in their jurisdiction.

That being said, my experience with the federal bureaucracy, when good ideas develop momentum, is that they find ways to kill them dead before they transpire, which is why I leave this bill on the Order Paper for honourable senators' consideration. I would argue that leaving it there is the best way of ensuring that the bureaucrats do not kill this bill before the minister — who I think is operating in the best of faith — can deliver on the promise that was included in the Throne Speech.

Order stands.

THE SENATE

MOTION TO URGE PRIME MINISTER TO CONVENE FIRST MINISTERS' CONFERENCE ON FUTURE OF INSTITUTIONS OF PARLIAMENT— DEBATE ADJOURNED

Hon. Tommy Banks, pursuant to notice of November 27, 2007, moved:

> That the Senate urges the Prime Minister to convene forthwith a public meeting of the First Ministers of the Provinces and Territories of Canada, for the specific purpose of considering the future of the institutions of the Parliament of Canada.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO REFER PAPERS AND EVIDENCE ON STUDY ON STATE OF FRANCOPHONE CULTURE FROM PREVIOUS SESSION TO STUDY ON OFFICIAL LANGUAGES ACT

Hon. Maria Chaput, pursuant to notice of November 27, 2007, moved:

> That the papers and evidence received and taken and the work accomplished during the First session of the Thirty-ninth Parliament in relation to the study on the state of Francophone culture in Canada by the Standing Senate Committee on Official Languages, pursuant to the order of reference adopted by the Senate on May 3, 2007, be referred to the committee for the purposes of its study on the application of the *Official Languages Act*, pursuant to the order of reference adopted by the Senate on November 20, 2007.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, November 29, 2007 at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, November 29, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, November 29, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we have had consultations with the other side. Given the number of senators interested in making statements today — and we have a backlog — I ask for leave to extend the period for Senators' Statements today by up to 15 minutes, for a total of up to 30 minutes, with the provision, of course, that given that our two ministers are not here today, the house would also grant leave that Question Period not be held today.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

NEW BRUNSWICK

VISIT BY OFFICIAL REPRESENTATIVE OF TAIWAN

Hon. Pierrette Ringuette: Honourable senators, during the last week of October, I welcomed Taiwan's official representative to Canada, David Lee, to my home province of New Brunswick. Since no commercial flights fly to my region, I met Mr. Lee at the Quebec City airport, and we travelled four hours by car to Edmunston, New Brunswick.

During his visit to New Brunswick, Mr. Lee met with business leaders and groups, in particular the vice-president of the Conseil économique du Nouveau-Brunswick, representatives from Enterprise Grand Falls Region and from Enterprise Madawaska, as well as a number of businesspeople interested in exporting various products to Taiwan, such as hardwood floors, small motors, signs, labels, potatoes, chicken and beef.

These business people had an opportunity to meet with Mr. Lee and discuss the export potential of their products. Research going on at the Grand Falls Community College has proven to be very important, with the renewal of the memorandum of understanding relating to research signed between Taiwan and Canada, through the National Research Council.

[*English*]

On Wednesday, October 31, we took the three-hour scenic drive from Edmundston to Fredericton via the Saint John River Valley. In Fredericton, we visited the legislative assembly and the Beaverbrook Art Gallery, followed by a visit with Premier Shawn Graham as well as three provincial cabinet ministers: the Honourable Ronald Ouellette, Minister of Agricultural and Aquaculture, the Honourable Rick Doucet, Minister of Fisheries, and the Honourable Greg Byrne, Minister of Business New Brunswick.

Discussions between Dr. Lee and the provincial ministers focused on additional exports to Taiwan of New Brunswick products via packaged marketing such as seafood, beef, beer, wine, and other possible targeted commercial exports.

• (1340)

Although the task of organizing Mr. Lee's visit to New Brunswick required time and energy from my office, I believe that fostering greater links between Taiwan and New Brunswick will benefit the citizens of New Brunswick as we continue our quest into the global marketplace.

[*Translation*]

Taiwan and its trade organization TAITRA have been incredibly successful and serve as a model not only for Asia, but also for all the countries that aspire to a better future for their business communities and their residents.

I hope that we will see an increase in exports from New Brunswick to Taiwan in the coming years.

[*English*]

PUBLIC SAFETY

GOVERNMENT DECISION NOT TO APPEAL DEATH SENTENCE OF RONALD SMITH

Hon. Serge Joyal: Honourable senators, three weeks ago, on November 1, the Minister of Public Safety declared that he would not seek from the American authorities commutation of the death penalty to life imprisonment for Mr. Ronald Smith, a Canadian citizen from Alberta on death row in the state of Montana.

The two main reasons stated by the minister for this radical departure from past practice, subsequently repeated in the Senate last week by the Leader of the Government are, first, that it sends — and I quote:

> . . . the wrong message, that there are no consequences for serious crimes committed in other democratic countries.

— like the United States, and that the government is, and I quote again:

> . . . not serious about dealing with these terrible crimes —

— after having brought in "some new tough law-and-order legislation."

These two arguments fly in the face of fundamental justice as guaranteed by section 7 of the Charter of Rights and Freedoms and confirmed by a unanimous decision of the Supreme Court of Canada in the *United States v. Burns* case of February 2001.

It is a pity that the government has decided to return to the days when one single person, in his or her own mind, without any open adversary procedure, which is the essential character of the criminal justice system in our country, can decide, *ex parte*, that a person — in this case a Canadian citizen — will be executed for the mere sake of the government image that it has to appear "tough on crime."

In other words, the new position of the new government is to preach the violent example of lethal injection, all the while ignoring the U.S. Supreme Court concerns and the numerous medical and scientific objections by Americans that have condemned lethal injection as an inhumane means of execution. Instead, the government is intent on restoring the principle of *lex talionis*, "an eye for an eye," and reinforcing the culture of violence and retribution.

The government decision to permit the imposition on the death penalty on a Canadian citizen by the state of Montana is contrary to Canada's international obligations, confirmed in three different conventions and covenants signed by Canada.

As I have already mentioned, this policy is contrary to our own Charter of Rights and Freedoms guaranteeing fundamental justice and prohibiting cruel and unusual treatment. It flies in the face of our heritage in the belief of the sanctity of life that Canada implemented through its decision to abolish the death penalty 30 years ago.

The explanation given by the government leader that the United States is a democracy and, as such, possesses a credible system of justice is contrary to the findings of our own Supreme Court in the *United States v. Burns* case.

The court noted in 2001 that at least 87 persons were released from death row in the U.S. after having been wrongly convicted and that the overall rate of prejudicial error in the American punishment system was 68 per cent.

Further, quoting, among others, from the American Bar Association, the Canadian court observed:

> The adequacy of legal representation of those charged with capital crimes is a major concern. . . . The defendant's life ends up entrusted to an often underqualified and overburdened lawyer who may have no experience with criminal law at all, let alone with death penalty cases. . . .
>
> Studies show racial bias and poverty continue to play too great a role in determining who is sentenced to death.

[*Translation*]

The government thought it more politic to exchange the highest principle of the protection of every human life, the foundation of our shared humanity, for a message tinged with partisan propaganda, for purely electoral reasons. This is a sad moment for the legitimacy of our convictions and our values as a nation. History has taught us that when principles are trumped by electoral gains, in the short term, we find ourselves in the worst of all compromises, perhaps even willing to sacrifice human life.

I take great exception to this denial of our fundamental principles, the principles at the core of our free, humanist society, and I urge the government to immediately reconsider the dangerous path it has embarked upon, and to intervene with the American authorities to ensure that Ronald Smith's death sentence is commuted to life in prison.

• (1345)

[*English*]

NATIONAL DEFENCE

NAVAL ACTIVITY

Hon. Hugh Segal: Honourable senators, on November 23, Her Majesty's Canadian-Pacific Fleet ships *Algonquin*, *Calgary*, *Ottawa*, *Vancouver* and *Protecteur* and their 1,100 Canadian sailors and aircrew returned to Esquimalt from an exercise in the vicinity of the southeast coast of North America.

The naval task group sailed from Victoria, B.C. on October 22 and joined the USS *Abraham Lincoln* Carrier Strike Group in the southwest marine operating areas. No navy in the world has the level of interoperability with our American allies as does the Canadian Navy. *Calgary* integrated with the carrier strike group and assumed the role of "friendly force." The remaining four Canadian ships formed a task group and became the "opposing force." The two forces trained on interception and detection over vast ocean operating areas and this coalition exercise enhanced naval interoperability and provided ships' crews with valuable training and experience in a multinational setting.

As of last week, there were 3,012 Canadian sailors deployed internationally and off our coasts. HMCS *Toronto* completed a port visit to Istanbul, Turkey in support of our common values shared through NATO, in which Turkey had the larger standing army. In order to share our common values with those Islamic countries who are our allies and friends, *Toronto* is now operating in the central Mediterranean, in company with Standing NATO Maritime Group 1, and HMSC *Charlottetown* is continuing en route to the Persian Gulf, in company with the USS *Harry S. Truman* Carrier Strike Group, as our ongoing maritime contribution to the campaign against terrorism.

Lastly, 85 of our sailors were employed in support of Canadian Forces international missions from Haiti to Sudan and Afghanistan, as well as CFB Alert and in Sierra Leone. Of that total, 61 are deployed to support Canadian Forces operations in Afghanistan, in difficult areas such as mining anti-explosives and doing what has to be done to help protect Canadian Forces.

Our naval men and women continue, around the world, on the seas, in the air and on the land, to reflect the values and international and geopolitical strategies of Canada in a complex world. They do so with clarity, professionalism and competence that is a credit to our Armed Forces and to the country we love and share together.

[*Translation*]

HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON RECEIVING ORDER OF FRIENDSHIP OF RUSSIA

Hon. Pierre Claude Nolin: Honourable senators, today I would like us to share in the honour our colleague, Senator Prud'homme, has received. Senator Prud'homme was recently recognized by President Putin as a friend of Russia. I believe that this honour does us all credit and that it is important to recognize it.

With your permission, I would like to read an excerpt from the statute relating to this award. As you can see, Senator Prud'homme is proudly wearing his medal. I will read about what it signifies:

> The Order of Friendship is bestowed upon recipients for their significant contribution to the strengthening of friendship and cooperation between nations and nationalities and to the development of the economic and scientific potential of Russia, for their outstanding achievement in mutual enrichment of cultures, nations and nationalities and in bringing them together, and for strengthening peace and friendly relations between states.

Honourable senators, rarely does one of our colleagues receive such a mark of friendship, and I believe that it is very appropriate that Marcel Prud'homme, the dean of Parliament, should be the recipient of this honour. I believe that our colleague has worked tirelessly, through difficult times, to bring Canadians and Russians together. The Russian president has recognized his efforts. We congratulate Senator Prud'homme on receiving this award.

• (1350)

Hon. Marcel Prud'homme: Honourable senators, I am touched. I just spoke with the Prime Minister of Russia and, as I told him, it is always risky to ask me to speak. You know my reputation. Fidel Castro claims that I can speak longer than he can. Last summer I had the opportunity to travel around Venezuela with Hugo Chavez and, in a standoff, we talked for seven hours and twenty-five minutes on television.

I will not take advantage of your kindness, but wish only to say that I have learned one thing in life: to take bold action in the most difficult moments of life. And there have been many.

I attempted to engage with the East Bloc countries in more difficult times. I had powerful supporters. I dared to do so openly, under the watch of the country's security services, as reported in *La Presse* yesterday. I believed that it was my duty as a parliamentarian, and that others should be allowed to carry out their duty of providing security services.

I would like to say that, in view of the planetary state of mind, it is wrong and unhealthy for there to be only one military, economic and political power in the world.

For the planet to do better there must be checks and balances, and what I see more and more of in Russia is unbelievable.

[*English*]

The Speaker was there with some colleagues. It is unbelievable the development and the partnerships that can take place. A military man from Toronto, Mr. Forest, was honoured today with a military medal. He said, "What has happened? We were together from 1942 to 1945. We were together in history. We must get back." We have much in common with Mother Russia. We work together on many development projects. We face the same difficulty; the same minority groups. People think in Quebec, in my province, that we have one problem. Russia deals with something like Quebec's problem 100 times over.

It is important to study the current time zones more. The Duma includes members from 11 time zones from Vladivostok to Moscow. Imagine what it is to be a member there. There is an election on this topic. There are four pillars on which they are placing a significant amount of effort — and this should touch Canadians, businessmen and young people — those pillars are housing, health, education, and especially agriculture.

Honourable senators, there are unlimited possibilities for people who are interested. I told some businessmen this morning, "You only think business, business, business, but business needs political stability. If you have political stability, then you can start to become more prosperous." As neighbours, Canada and Russia can develop the North together and be partners in the future there. That is what we want to do.

If I dedicate this medal to anyone, it would be to the young people of Canada, and I would tell them: Do not be afraid to stand up and fight for something that you believe in. If you are lonely or if, at times, no one listens, then reach out. As I said in *La Presse* yesterday, my policy is reaching out. If there is no one to take my hand at first, then I reach out again the day after. I know that at the end of the day people will establish contact. That is what I think we in the Senate, more so than in the House of Commons, should be able to do.

• (1355)

I am speaking with great passion. I must calm down. I will be going back to my so-called seniors' residence to confront another great experience next Tuesday.

Hon. Senators: Hear, hear!

NATIONAL PARKS

CONSULTATION PROCESS ON EXPANSION OF NAHANNI NATIONAL PARK

Hon. Nick G. Sibbeston: Honourable senators, I indicated in my question to the Leader of the Government in the Senate yesterday that I was very concerned about the way in which consultation was conducted with respect to the proposed expansion of the Nahanni National Park. The purpose of the consultation was to obtain the views of people with respect to the proposed expansion, and in the end there were three options given to the people for consideration.

The process has concluded. Throughout that process, the mineral assessment report was not made available to the public. Only in the last few days has that report been made

public. However, throughout the consultation process with respect to the park, this very important piece of information about the geological state of the area and the minerals that land contains was never made available to the public. I consider this a major flaw in the consultation process, and the government should do something about it.

I have written letters to the Minister of the Environment and to the Prime Minister. The Prime Minister was recently in Fort Simpson and visited the Nahanni National Park, so he knows what I am talking about.

Many people in the Dehcho region where I live are concerned that the consultation process was not conducted properly and that there needs to be a new approach taken. The approach that I am proposing is one that had been used in the northern coastal region of British Columbia.

The Spirit Bear conservation area was created a number of years ago, and it was completed with the participation and cooperation of First Nations people, environmentalists and industry. The result was successful. Therefore, I suggest that the same kind of approach be taken in the North. There would be a better result than that obtained from the approach that was taken by Parks Canada and that, as I said, has a major flaw in it because it did not include this MERA report, which is so important in the consideration of the park expansion.

I hope honourable senators will be understanding and sympathetic as I continue to pursue this matter.

SPECIAL OLYMPICS MONTH

Hon. Jim Munson: Honourable senators, as the month of November draws to a close, I remind you that this month is Special Olympics Month in Canada. The Special Olympics is an international movement that provides opportunities for people with intellectual disabilities to train and compete in athletic events.

I am proud to have been part of Canada's team in Shanghai for the 2007 Special Olympics. Canada's team gave exceptional performances and showed the world exemplary sportsmanship.

[*Translation*]

Over 7,000 athletes from 160 countries participated in the Special Olympics in Shanghai. That is an impressive number. Not long ago, in China, where I lived for several years, one rarely saw people with mental disabilities. They were hidden away. People were ashamed of them. The fact that 1,000 Chinese athletes participated in these games is proof that the Special Olympics have the power to transform attitudes.

[*English*]

Many honourable senators may remember a time when we thought mentally challenged people were incapable of participating in sports. In fact, many mentally challenged people were kept isolated from society as if we were ashamed of them. Started in the 1960s, the Special Olympics has shown the world what kind of hogwash that prejudiced thinking was.

Putting the principle of inclusion to work, the Special Olympics breaks down barriers and challenges our thinking about people with intellectual disabilities.

• (1400)

The movement has changed a small part of the world in a big way. The Special Olympics movement is alive and well in Canada, but we can do more to give a greater number of potential athletes a chance to participate. For Special Olympics month, I urge honourable senators to get involved. Senators can be a coach, volunteer to encourage an athlete to practise, or contribute financially to the movement. By supporting the Special Olympics, honourable senators will help to reach out to these potential winners and will strengthen the Special Olympics movement. Honourable senators will help breakdown the barriers that still exist for people with intellectual disabilities. By supporting Special Olympics, they will help to make Canada more inclusive and the world a better place.

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON RECEIVING ORDER OF FRIENDSHIP OF RUSSIA

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to recognize the achievements of our colleague, Senator Marcel Prud'homme. Today Senator Prud'homme was awarded the Order of Friendship by the Russian Federation. The Order of Friendship is awarded to citizens in the Russian Federation and to foreign citizens who have made a significant contribution to strengthen peace and mutual understanding between peoples and states. The award is the highest one given by the Russian government to a non-citizen. The only other Canadian to receive this award is the Right Honourable Adrienne Clarkson, former Governor General of Canada.

Senator Prud'homme's interest in international relations can be traced back to his days as a student leader at the University of Ottawa in the late 1950s and early 1960s. Senator Prud'homme took an active interest in the Algerian liberation movement and demonstrated in support of the Algerian people several times.

Senator Prud'homme's passion for international issues, his openness to the Third World and his deep desire for a fair and equitable world order has permeated his career of 43 years in federal politics. Although he has been a passionate supporter of the Palestinian people and a tireless advocate for the Arab world, Senator Prud'homme's involvement extends to countless other countries across the globe. Indeed, only last year he was awarded the Freedom Fighter Award in honour of the fiftieth anniversary of the Hungarian Revolution of 1956.

Today, honourable senators, I rise to pay tribute to our esteemed colleague, Senator Marcel Prud'homme. He is a shining example of the important role that we, as parliamentarians, have the opportunity to play in Canada and on the world stage.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to add a few comments to what my colleagues have already said.

I am very pleased to salute Senator Marcel Prud'homme, who was awarded the Russian Federation's Order of Friendship in recognition of his exceptional contribution to strengthening and developing Canada-Russia relations. This honour is reserved for Russian citizens and foreigners who have made significant contributions to strengthening peace and mutual understanding among peoples and their States.

Over the years, Senator Prud'homme, a respected parliamentarian who has always been ahead of his time, developed and maintained productive interparliamentary relations between Canada and Russia, as well as with other countries, often in defiance of prevailing ideas at the time.

This award acknowledges his efforts, his commitment and his ability to build friendly relations with his counterparts in various countries and to establish fruitful interparliamentary relations with varied and various States around the world. This recognition is a sign of the Russian Federation's high regard for Senator Prud'homme and, as such, it is also a tribute to the Senate of Canada and the work of senators here.

Senator Prud'homme truly deserves this tribute, and I would like to offer him my sincere congratulations.

• (1405)

[*English*]

ROUTINE PROCEEDINGS

NATIONAL BLOOD DONOR WEEK BILL

REPORT OF COMMITTEE

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, November 29, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-220, An Act respecting a National Blood Donor Week has, in obedience to the Order of Reference of Tuesday, November 27, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted

ART EGGLETON
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Senator Eggleton: Honourable senators, with leave later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

An Hon. Senator: No.

On motion of Senator Eggleton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[*English*]

PHTHALATE CONTROL BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-307, An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1410)

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION NOT TO APPEAL DEATH SENTENCE OF RONALD SMITH

Hon. Serge Joyal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That this house urge the Government to reconsider its decision not to appeal the death sentence of Ronald Smith, a Canadian citizen, who is on death row in a prison in Montana, and seek from the American authorities a commutation to life imprisonment; and

That the Government abides by the basic principle of the sanctity of life and commit itself to supporting, at all international forums, the abolition of the death penalty in the full knowledge that this country abolished capital punishment more than 30 years ago.

ORDERS OF THE DAY

DONKIN COAL BLOCK DEVELOPMENT OPPORTUNITY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-15, An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

Hon. Gerard A. Phalen: Honourable senators, I rise today to add my voice in support of Bill C-15, the Donkin coal block development opportunity act.

In order to understand the importance of the reopening of the Donkin block, I believe it is important to understand the history of coal mining in Cape Breton and the role it has played since the 1600s.

The first mention of coal in Cape Breton came in 1672 when French explorer, colonizer and Governor of Acadia Nicholas Denys declared "there is a mountain of very good coal four leagues up the river at Sydney Harbour." He was granted the right to levy a duty of 20 sous per tonne on coal extracted from Cape Breton.

The French military mined coal in the late 1600s by literally prying coal with crowbars from outcroppings on the cliffs along the shoreline. Coal was extracted from exposed seams along the cliffs and used by the French in the construction of their fort at Louisbourg. It was not until 1720 that the first coal mine was officially opened at what is now Port Morien. Over the next 100 years, coal mining continued on a small scale by either the colonial government or through leases by private individuals.

In 1826, Frederick, Duke of York, the favourite son of King George III, who had been granted sole right by the Crown to all coal resources of Nova Scotia, handed the leases over to one of his major debtors, a London jewellery firm which set up the General Mining Association.

The years from 1826 to 2001, when the last mine was closed in Cape Breton, would see a roller coaster of ups and downs for the mining towns of Cape Breton as well as the people of the region.

For instance, by 1903 the Dominion Coal Company was producing 3,250,000 tonnes of coal per year, and by 1912 the company had 16 collieries in full operation. At that time, the production of those mines accounted for 40 per cent of Canada's total output.

It is estimated that over the years of the Dominion Coal Company operating the mines, they extracted roughly 250 million tonnes of coal. It is also estimated that there remains 257 million tonnes of economically recoverable coal still available.

The story of coal mining in Cape Breton is also the story of the miners themselves and, indeed, one of both successes and tragedies. It begins in 1873 when eight coal companies operated in Cape Breton, and miners were paid 80 cents to $1.50 per day, and boys were paid 65 cents and continues through the 1900s with roughly 100 mines having operated in the Sydney coalfields.

It has often been said that coal mines formed the nucleus of some Nova Scotia communities. From the company stores and the housing in the immediate vicinity of the mines to the development of entire communities, the mines played a major role. When the mines closed, as they always did, they left behind a social legacy of success or failure. Some communities continued to exist in varying degrees of prosperity, while others collapsed and were abandoned.

The history of coal mining in Cape Breton is also a story of immigration. With the boom in coal and steel development, small villages in Cape Breton grew into bustling industrial towns. Immigrants came from all over the world to work the mines. Over a 10-year period, starting in 1901, Glace Bay went from being the forty-sixth largest population centre in Canada to the twenty-second.

The people of Cape Breton have shared in both the successes and failures of the coal industry, and we have shared the grief of the many personal tragedies the mines have seen. We Cape Bretonners are, one could say, inextricably linked to the coal mines.

Therefore, honourable senators, when the Nova Scotia government announced in 2004 it was accepting bids to reopen the Donkin mine, it was big news in the area. Work began on the Donkin mine back in 1980, and, by 1987, two parallel tunnels had been drilled 3.5 kilometres to what is known as the Harbour seam, ending at a depth of about 160 metres below the ocean floor, at a cost of roughly $100 million.

In the meantime, the market conditions for Donkin coal had changed, and the development of the coal mine was put on hold. In 1992, the Cape Breton Development Corporation sealed the tunnels and allowed them to fill with water.

However, by the new millennium, prices had rebounded, and in 2005, a Swiss company, Xstrata, submitted the winning bid to redevelop the Donkin mine. Xstrata subsequently began work and announced in September of 2007 that it had completed pumping out 350 million gallons of water from the tunnels. Xstrata continues to study the feasibility of reopening the Donkin mine and has said it will make a final announcement on the reopening in August of 2008.

I was pleased to read in recent newsletters from Xstrata about their environmental planning and monitoring, including that they had been carrying out field studies to be used in preparing an environmental assessment and industrial process mandated by the department of Nova Scotia Environment and Labour. I was also pleased to read that the water they had pumped out of the Donkin mine is being treated through aeration, settling ponds and final settling prior to being released. As well, Xstrata has been holding a series of public meetings to ensure that the community is kept up to date on their operations.

The other issue I was pleased to see Xstrata addressing is that of transportation, and it was assuring to read that they have assured the community that trucking coal on local, public roads did not form part of their strategy.

Unfortunately, it became clear that there was considerable confusion and uncertainty over regulatory jurisdiction because both the Governments of Canada and Nova Scotia have offshore ownership claims, and these uncertainties, as well as overlaps and confusion in employment and safety regimes have put at risk the reopening of the Donkin mine.

Bill C-15 clarifies the jurisdictional issues. It does not guarantee the development of the Donkin mine, but it removes confusion regarding regulatory matters.

Bill C-15 also sets up a royalty regime by which the government believes it will see up to $5 million in royalties remitted to the Province of Nova Scotia annually, considerably more than the 20 sous per tonne royalty first collected by Nicholas Denys in 1672.

Honourable senators, when the government introduced this legislation in the other place, they said they believe it will result in up to 275 direct jobs in the mine as well as 700 indirect jobs.

• (1420)

Any legislation that sees almost 1,000 new Nova Scotia jobs and $5 million annually in royalties gets my support. I hope, honourable senators, that it also gets your support.

Hon. Lowell Murray: Honourable senators, would the honourable senators permit a question?

Senator Phalen: Yes.

Senator Murray: Will the honourable senator agree with me that the sponsor of the bill, Senator Oliver, was lamentably negligent in his opening speech in not paying tribute to the heroic efforts on behalf the Donkin mine of our former colleague the Honourable John Buchanan, who, as Premier of Nova Scotia and a member of the Senate, was one of the great champions of the Donkin mine? Will he join me in expressing our satisfaction that Senator Buchanan's dream may be about to come true?

Senator Phalen: Yes, senator, I agree with that.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to Standing Senate Committee on Energy, the Environment and Natural Resources.

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Gustafson, seconded by the Honourable Senator Angus, for the second reading of Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Hon. Charlie Watt: Honourable senators . . .

[*The honourable senator spoke in his native language*]

Honourable senators, I am pleased to stand here today on behalf of the Inuit of Nunavik. I thank senators for giving me an opportunity to address the important elements of this bill.

Honourable senators, Bill C-11 intends to give effect to the Nunavik Inuit Land Claims Agreement and is a reprint of Bill C-51 from the previous session. At that time, it was referred to the Standing Senate Committee on Legal and Constitutional Affairs.

This bill would recognize the agreement as a treaty in the meaning of section 35 of the Constitution of Canada. We must remind ourselves of the sensitivity and seriousness of the bill because it does deal with the Constitution of Canada and existing Aboriginal and treaty rights.

As you know, the James Bay and Northern Quebec Agreement is a landmark that opened a new era for modern treaties. That agreement led to the process to amend the Constitution of Canada in 1982 to recognize and protect two categories of Aboriginal rights: existing and treaty rights.

I want to share with you a reflection I had in mind while preparing this speech.

Aboriginal rights were not constitutionally recognized when we negotiated the James Bay and Northern Quebec Agreement. At that time, the pattern was to surrender our rights before negotiations. Since 1982, the situation is quite different because the Constitution of Canada, 1982, recognizes and protects our rights. I extend my thanks to the negotiators for having focused only on the subject of James Bay at that time and for not including offshore claims in their decision. Offshore claims were not included because it was not appropriate to do so and such a mandate was not received from their members.

Since 1982, we have been expecting acknowledgement and respect for those rights, but we have seen many attempts to infringe and to extinguish Aboriginal rights.

In my view, Parliament had the power to extinguish Aboriginal rights prior to 1982. Since then, this power has been taken away by the new section 35 of the Constitution of Canada.

Here is what former Chief Justice Lamer wrote in the decision, *Van der Peet*:

> Subsequent to s. 35(1) aboriginal rights cannot be extinguished and can only be regulated or infringed consistent with the justificatory test laid out by this Court in *Sparrow*.

Indeed, the Supreme Court of Canada developed five essential conditions to be met by the Government of Canada to be cautious in infringement of Aboriginal rights. Those conditions have been developed to meet the honour of the Crown, to fulfil the Crown's fiduciary duty and to respect the Constitution of 1982.

The first condition is a clear, plain and legal justification that must support the infringement. A legal and clear justification could be, for example, the need for conservation of environment or to build a bridge over Aboriginal lands in respect of the customary practices.

We must ask whether the government is pursuing a compelling and substantial legislative objective and if this objective is attained in a way consistent with the Crown's fiduciary obligations to Aboriginal people.

Honourable senators, I have not seen any legal basis to justify why Nunavik Inuit would have to release and surrender their rights. From what I understand, negotiators for Indian Affairs have developed options to the surrender and extinguishment of Aboriginal rights to avoid uncertainty and litigation in court.

I disagree with a strategy having the effect that existing Aboriginal rights are technically surrendered.

The second condition is voluntary, valid and informed consent on the part of beneficiaries. Nunavik Inuit have not been fully informed that they were surrendering their existing Aboriginal rights. If they had known, they would never have accepted this.

With this agreement, Nunavik Inuit would renounce the exercise or assertion of any Aboriginal or treaty right other than those set out in the agreement. Moreover, if they exercise or assert rights outside of the agreement, they cede, release and surrender them.

In my view, it is neither unacceptable nor honourable for the Crown to use technical wording in order to extinguish existing Aboriginal rights and to avoid exercise of judicial rights.

The third condition is that beneficiaries must understand clearly the consequences of their consent.

Bill C-11 will affect Nunavik Inuit in many ways. For instance, clause 11 of the bill provides that legal instruments made under the agreement will not be subject to the Statutory Instruments Act. This exemption will have significant and negative consequences for Nunavik Inuit rights.

Indeed, the Statutory Instruments Act requires that Canadian statutory instruments be examined to ensure that they are lawful, that they do not trespass unduly on existing rights and freedoms, and that they are consistent with the Canadian Charter of Rights and Freedoms. If this protection is important for all Canadians, why would Nunavik Inuit not be part of this protection? We are Canadians, after all.

• (1430)

Honourable senators, my opinion is that such discrimination is against the Canadian Charter of Rights and Freedoms and is thus totally unconstitutional.

I see another negative consequence where it is said that Nunavik Inuit will have no right to challenge this agreement. Indeed, sections 2.7 and 2.8 of the agreement state that Nunavik Inuit — and I quote:

- shall have no claim or cause of action based on the finding that any provision of this Agreement is invalid and

- shall not challenge, or support a challenge to, the validity of any provision of this Agreement.

Giving up judicial rights goes against the rule of law and our Constitution.

There is a third important concern about consequences on Nunavik Inuit in relation with their judicial and Aboriginal rights.

Sections 2.29.5 and 2.29.6 of the agreement provide that Nunavik Inuit will release the government and others from all claims, whether past, present or future, known or unknown, that relate to any Aboriginal right respecting their lands and natural resources.

The surrender of these claims could turn out to be a very serious handicap in the future, especially in relation to environmental issues. What will happen if the territory becomes polluted? What will happen if there is intensive fishing or hunting that threatens the Nunavik Inuit's ability to harvest for their needs?

While Nunavik Inuit are Quebecers, these sections must be studied constitutionally and legally by virtue of section 8 of the Civil Code, which prohibits surrendering civil rights.

Moreover, section 2.29.7 provides that the Nunavik Inuit will compensate the government in the event of a claim. Has this commitment really been explained to the Nunavik Inuit, and did they understand it properly? In my opinion, the answer is no.

The fourth condition is that the federal Crown has to meet and to consult persons to explain the agreement and its consequences.

When representatives from the federal government and Makivik travelled from community to community, I am doubtful that they explained the extinguishment of existing Aboriginal rights and the consequences. Nunavik Inuit would have said no if the agreement had been fully explained.

The fifth condition is that an equitable compensation must be offered for the rights to surrender.

Courts regularly point out that infringement of Aboriginal rights must be as minimal as possible and that fair compensation must be provided. Again, compensation is not the only issue when survival is at stake.

On compensation, the agreement provides $50,671,460 for educational, social, cultural and socioeconomic needs of 10,000 individuals, which represents $5,067.15 per individual. The agreement provides that that amount will be paid over a period of 10 years, which represents $506.71 yearly per individual.

You cannot do too much with that amount of money.

In 1993, Nunavut Inuit received, for a similar agreement, more than $1 billion for 17,000 individuals. This means $58,000 each. Why such a difference?

Honourable senators, who did the evaluation? Who has been consulted on the value of his or her rights? How much will the next generation receive? While Makivik is a non-profit association without any pecuniary gain for its members, why do some members believe they will receive cash from this agreement?

Thirty-five million dollars is also provided to implement the agreement and to finance three bodies — wildlife management, land use planning, and impact review. This amount will be paid over a period of four years.

What will happen after this period? I do not think Nunavik Inuit have specialists to accomplish this task and, unfortunately, it turns only to the benefit of outsiders who have no knowledge of customary practices. Reading the whole agreement, it is evident that outsiders do not know, nor understand, customary practices.

In the compensation field, resource royalties raise perplexity. According to section 15.1.1 of the agreement, Nunavik Inuit have the right to be paid 50 per cent of the first $2 million of resource royalties received by the government in that year. The question is what exactly this section is talking about, given that the definition, from the agreement, refers to royalties prior to protection.

Indeed, resource royalties are determined by Canadian laws respecting mining, gas and petroleum resources. The calculation is usually based on the production of the resource, and no royalties are payable prior to production. Canadian laws require royalty on the production. This phrase, found in the agreement, is a very unusual one.

Honourable senators, I want to take a few minutes to provide more detail on understanding consequences and consultation.

I have chosen to expand my point of view on those two topics, having in mind that the nation-to-nation relationship is an ongoing and evolving situation and it could be difficult to reach a permanent solution.

The Constitution of Canada recognizes and protects two categories of rights: existing Aboriginal rights and treaty rights. The impact of the agreement is to extinguish existing Aboriginal rights, leaving only one category of rights, that is, treaty rights.

The Department of Indian Affairs explained that they have developed a new formula called "non-assertion technique certainty." The United Nations said that this may be another semantic for the older "extinguishment policy." For me, this is a misleading technique.

This agreement has never been presented as a tool to surrender existing Aboriginal rights. I and many other Inuit will never accept to surrender our existing Aboriginal rights. A question that comes to mind is this: Do we really need a treaty, and why a treaty if we are losing our existing rights? It would be better to stay with our existing Aboriginal rights, recognized and protected by the Constitution of Canada, not knowing what tomorrow will bring.

Nunavik Inuit are threatened in another way. Section 2.10 provides that Nunavut law will apply to Nunavik Inuit and to Nunavik Inuit lands. I do not know if many Inuit of Nunavik are familiar with Nunavut law, and I do not think that it will be possible for us to comply with both the common law and civil law at the same time. It is unacceptable that citizens must comply with two legal systems. Another consequence is that Nunavik Inuit must comply with legal rules without any possibility to influence by vote or petition. Is that normal?

• (1440)

An example can be found in the 2006 Annual Report of the Nunavut Wildlife Management Board. As indicated by its name, this board manages wildlife and adopts regulations. From its annual report, we learned that the board has approved closure of beluga hunting in the area of Sleeper Island and King George Island. They never consulted with people.

This area is near the communities of Inukjuak, Kuujjuarapik and Umiujaq. I have never heard that the Nunavik Inuit were consulted or informed about this closure, which is a threat to their capacity to harvest their needs for subsistence.

Honourable senators, let me speak now about another threat to my people, and I am equally sure this threat has not been fully explained to them, either. According to article 5.3.4 of the agreement, current quotas and restrictions will apply. It seems to me that people do not make a difference between domestic activities for survival, and commercial and sporting activities.

While we understand quota for commercial and sports activities, it is not fair to apply them to domestic activities. The reality is that such quotas and restrictions put in jeopardy the day-to-day needs of individuals, since 75 per cent of Inuit food comes from sea and land. Domestic activity for subsistence and to feed our families is different from commercial and sports activities.

The question of quota is worse when we read articles 5.3.7 and 5.3.8 which state that Nunavik Inuit will be stuck with a quota for 20 years on the beluga, for example. This provision is not a benefit; it is an unacceptable restriction. Bill C-11 is not a simple administrative ratification of the agreement. This agreement has major negative impacts on human beings and their constitutional rights.

Consultation means interactive consultation by government representing the Crown directly with the person affected by the agreement. Governmental representatives mostly consulted with

Makivik, which is not the government of Nunavik. The purpose of this corporation is to administer the benefits from the James Bay and Northern Quebec Agreement. The provincial statute established this corporation in 1978 and I do not see, in the descriptions of their legal powers and objectives, anything that would give them the power to negotiate constitutionally existing Aboriginal rights of Nunavik Inuit. I, for one, have neither seen nor heard that Nunavik Inuit have given out an individual power of attorney to negotiate away their existing Aboriginal rights.

Honourable senators, you know how important it is to determine who has the legal capacity to represent Nunavik Inuit and to negotiate their rights. Bill C-11 and the agreement describe Makivik as representing Nunavik Inuit and, in my view, that representation is not legally possible without a power of attorney at least from the individuals involved.

This acute question came out from the lawsuit from Nunavut against the Government of Canada. Listen to this, honourable senators. This suit was initiated in December 2006, and is based on a similar agreement that Bill C-11 would ratify. The Inuit of Nunavut seek relief and $1 billion in damages for breach of contract and breach of fiduciary obligation. I have absolutely no intention to comment on this case. My interest is with regard to who has the right to represent whom in a case like Bill C-11.

The lawsuit is entitled "Inuit of Nunavut as represented by Nunavik Tunngavik Incorporated" and, in its defence, the Attorney General of Canada says:

> . . . the Crown says that NTI does not have standing to bring a claim for damages on behalf of any individual Inuk or any Inuit company or business. . . .

This situation puzzles me because Makivik plays an equivalent role to NTI, but for Nunavik Inuit. The problem is that the government seems satisfied that Makivik represents Nunavik Inuit when it is time to extinguish existing Aboriginal rights. Does that mean that later, if Nunavik Inuit must sue the government, they must act individually and personally after they have lost existing Aboriginal rights collectively? If they sue the government, it will be at their own expense and they must indemnify the government as provided by article 2.29.7 of the agreement. What does the government have in mind, exactly? This important matter needs to be clarified now and for our future generations.

In the previous session, some honourable senators raised their concerns and I expressed my point of view. Today, I have raised many problems and concerns, but there are many others such as the discrepancies between the English and French versions. Furthermore, Nunavik Inuit will be in a minority situation in the Nunavut Management Wildlife Board, Nunavut Planning Commission and Nunavut Impact Review Board, and their decisions will affect their lives in many ways.

There are also other important concerns. For example, why is Quebec not part of the agreement? From another perspective, we see in this country many difficulties in implementing modern treaties.

In conclusion, honourable senators, Bill C-11 would give effect to an agreement that would have impacts for Nunavik Inuit. We must analyze those impacts in-depth. On the one hand, we have the Constitution of Canada that recognizes and protects existing Aboriginal rights and treaty rights. On the other hand, we have a policy that tends to extinguish existing Aboriginal rights. In my view, the Constitution of Canada must prevail.

Since they are recognized and protected, existing and treaty rights impose positive duties on governments to respect, promote and fulfil such rights. Constitutional protections will be meaningless if nothing is done to implement Aboriginal rights and to ensure that our people use and enjoy their rights.

Unfortunately, with Bill C-11 we have no more existing Aboriginal rights and the treaty ensures that we will never have them again.

In closing, let us recall the words of Chief Justice Lamer in the *Delgamuukw* case as a legacy. He said:

> Section 35(1) did not create Aboriginal rights; rather, it accorded constitutional status to those rights which were "existing" in 1982 . . . Since Aboriginal title was a common law right whose existence was recognized well before 1982, section 35(1) had constitutionalized it in its full form.

• (1450)

Honourable senators, let us examine this subject seriously, and for all the reasons that I have explained, let us refer this important matter to the Standing Senate Committee on Legal and Constitutional Affairs. This committee has full expertise on constitutional matters, and this bill goes to the core of its mandate.

Nakurmiik.

Hon. Gerry St. Germain: Honourable senators, I wonder if the honourable senator would take a question.

Senator Watt: Yes, I will.

Senator St. Germain: Honourable senators, there is a huge amount of confusion, and perhaps Senator Watt can clarify this for the Senate. He spoke of the ratification that took place in 2006 where, of approximately 6,000 eligible voters, over 4,800 ballots were cast, which reflected some 80 per cent, and 4,651 were "yes" votes, which is 78 per cent of all eligible voters. There were 183 "no" votes, and 10 ballots were rejected.

I believe Senator Watt's legal counsel is Mr. Jean Roberge, and he states in a letter on page 5 that their ignorance was the reason they ratified the agreement so overwhelmingly. I do not know who he wrote this on behalf of, but I imagine he was representing Senator Watt.

The big question is, does the honourable senator agree with that statement in view of the fact that in 1975 he was a signatory to the James Bay and Northern Quebec Agreement and, in that agreement, in section 2.1, in consideration of the rights and benefits herein set forth in favour of James Bay Cree and Inuit of Quebec, the James Bay Cree and Inuit of Quebec hereby cede, release, surrender and convey all their native claims, rights, titles and interests, whatever they may be, in and to the land of the territory in Quebec, and Quebec and Canada accept such surrender?

I know of the concerns of Senator Watt, and I am sure they are sincere. However, I see a conflict here, and possibly he can explain it. Chief Justice Lamer was the greatest advocate in establishing treaties of negotiation, and obviously there was a significant amount of negotiation on behalf of this particular treaty that has been entered into. I know that it is complex, and it will go to committee, but I thought I would ask this question. I would appreciate it if the honourable senator could provide a brief answer.

Senator Watt: Honourable senators, that is a mouthful of an area to respond to. However, I will gladly respond to indicate the difference between what happened then and what is happening now.

Honourable senators, as you are aware, before I entered into this great chamber, I was an activist, and I was also elected by my own people to represent them in the field of movement toward settling claims. In 1970, leading up to 1971, we occupied ourselves in the Quebec court, battling it out in the court with an interlocutory injunction. During that time, a written mandate from the people, a legal power of attorney, was given to us, to the corporation and to me, mentioning my name as president and the lawyer. Only the legal person holding the power of attorney could exercise that power of attorney.

After the six month court case, we won partially, but it was appealed in the Court of Appeal. In the Court of Appeal, we lost. The lower court ruling was overturned, but not completely. We still had the ability to go to the Supreme Court of Canada, but we decided not to, knowing the great amount of money already spent, and it was hard for us to continue to fight an uphill battle, not knowing if we would go anywhere if we continued to fight.

We decided to return to our people and say, "Look, we are at this juncture now. You have to make the decisions. We speak for you, we represent you, but we cannot act on your behalf without any meaningful legal document that gives us a power of attorney to move forward." Leading up to the agreement in principle, we obtained the power of attorney from the people, and then we negotiated with Hydro Quebec, the development corporations, and federal and provincial governments. Tri-party tables were organized all over the place.

After we concluded the agreement in principle — this is a long story, and I am sorry that I cannot make it shorter — we went back to the people again and said, "Okay, here are the principles that we managed to nail down, but again we cannot move forward unless we get a clear mandate from the people that we are representing." Then the question of power of attorney arose again, so we obtained the power of attorney to move forward. That is the movement of it.

To get to the point of the question about whether there is a conflict between what I am doing now and what happened before, the James Bay and Northern Quebec Agreement was negotiated and enacted by law, Bill C-9, which was umbrella legislation put forth by the federal government in 1975. That was before 1982, so we had unfinished business to deal with, that being the offshore issues. This is what we are dealing with now. When you are a political person with responsibility to be answerable to the people, there are times you do not share the information with your own resource people. The question of repatriating the Constitution was arising at the same time, so I decided to put my energy into the constitutional field so I that I would never have to go through the same thing that I went through by extinguishing my rights even before I opened my mouth or got to the table. That was the name of the game. That was the policy of the government, and the only policy that existed at that time.

If you think there is a conflict, no, there is no conflict. The negotiated Aboriginal rights were entrenched in 1982, so it is clear in my mind that there is no conflict.

Getting back to the earlier point that was raised, if I understood correctly, my legal assistant put something in writing stating that it was due to the ignorance of the people that they voted the way they did. If that is the interpretation, I do not think he meant to say that. I do not know whether I answered the question. My answer was lengthy.

Senator St. Germain: I thank the honourable senator.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

Motion agreed to and bill read second time.

• (1500)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Leonard J. Gustafson: Honourable senators, this bill has all-party support in the other place, and I think it deserves to go to the Aboriginal Committee for further study.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those this favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Hon. Gerry St. Germain: On division.

Some Hon. Senators: On division.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Charlie Watt: Honourable senators, I take this opportunity to move that the bill be sent to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Carried.

Hon. Terry Stratton: On division.

The Hon. the Speaker: On division.

On motion of Senator Watt, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs, on division.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, I wanted to ask the Deputy Leader of the Government, who has moved the adjournment of this debate, whether the telephone line of the Honourable John Baird is still busy.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, it might be my telephone line that is busy. I will try to make sure that my line stays open and that the minister's office is able to get through.

To allay the anticipation of my honourable colleague's next question, I began going through my notes last night and writing comments on the speech that I will be giving as soon as possible.

Senator Murray: Honourable senators, I would simply add that in a previous life I had quite a lot of experience writing speeches for people, and if the senator needs help, I will be glad to provide it pro bono.

Hon. Tommy Banks: Honourable senators, I ask this question in ignorance of the process. Yesterday, Senator Comeau undertook to table copies of letters he had. I do not know what that process is. May we expect to see those documents soon?

Senator Comeau: Those two documents were tabled yesterday. I imagine the table officers would probably have copies, should the honourable senator wish to see them.

The Hon. the Speaker: Shall the matter continue to stand in the name of Senator Comeau?

Hon. Senators: Agreed.

Order stands.

NATIONAL PEACEKEEPERS' DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Art Eggleton moved second reading of Bill C-287, An Act respecting a National Peacekeepers' Day.—(*Honourable Senator Tardif*)

He said: Honourable senators, I rise to support this bill, which comes from the other place. The bill was proposed by the member for Algoma—Manitoulin—Kapuskasing, Brent Denis. He noted at the time he moved this that his riding includes what was once the riding of Algoma East, which was appropriately represented by the Right Honourable Lester B. Pearson, who is credited more than anyone with the kind of peacekeeping operations that were started back in those days, particularly in reference to the 1956 Suez crisis. In fact, as we know, this is the fiftieth anniversary of the awarding of the Nobel Peace Prize to Mr. Pearson, which occurred in 1957.

To a great extent we can say that peacekeeping, certainly as it was in those days, is a Canadian invention. I am pleased that in the name of Mr. Pearson we continue to see in our country an operation called the Pearson Peacekeeping Centre. The centre is located in Nova Scotia and helps to train people from many different countries in peacekeeping operations. It is a proud way to represent the legacy of Lester B. Pearson.

This bill is intended to honour those who have served in peacekeeping missions, most notably, of course, but not exclusively, the Canadian military. There have been over 60 of these missions, and Canada has participated in 50 of them, which is almost all.

Over 100,000 Canadians have participated, and some 114 have lost their lives during peacekeeping operations. All people who have served have served with great bravery and dedication to the cause of peacekeeping, and they do so in the name of our country.

In addition to the military, though, many people have helped to rebuild civil society in several countries, including people from the RCMP; the municipal and provincial police, who have helped train local police; judges; municipal administrators; NGOs and civilians from many different walks of life.

One of the operations I know the Canadian Forces were involved with was the removal of land mines. Many countries are plagued with land mines that have killed or injured not only our troops, but also many civilians.

• (1510)

There have been many people involved in these peacekeeping efforts, and peacekeeping has changed over the years. In fact, today we sometimes refer to it as peacemaking or peace support or even peace enforcement, because it is different from the days of Lester Pearson and the Suez crisis or, even following that, the missions in Cyprus and the Golan Heights.

In those cases, by and large two armies were brought to a ceasefire agreement. It is a question of what is called the green zone or a zone between them that is patrolled by the peacekeepers. That is the kind of peacekeeping mission most Canadians are familiar with.

However, peacekeeping has changed substantially. Take, for example, the operations in Bosnia or Kosovo to see how much it has changed, where ethnic cleansing and genocide and the conflict is coming from people that are not wearing military uniforms and do not operate in the traditional military way that the early peacekeeping missions encountered.

Nowadays, our troops, our civilians and our police need diplomatic skills as well as the ability to engage in combat if necessary to defend themselves. They engage in humanitarian aid. When I was Minister of Defence, it made me proud to see our troops help build schools, playgrounds and so many other things in rebuilding civil society, in addition to carrying weapons, doing their duty and being alert to problems occurring around them. At the same time, our troops reached out with their hands and their smiles and did so much to help build that humanitarian effort in these various places. It is for that reason that I remember how we always referred to our military as having to be multi-purpose but combat capable. They had to do many different things, but at the same time, they needed the ability to defend themselves when necessary.

Of course, even as peacekeeping has changed over the years, so has conflict or war. Think back to World War I — a terrible, terrible conflict — when troops in uniform faced each other across fields. Today, the conflicts and wars engage innocent people so much more. So many more lives are lost — women, children and innocent people who are not a part of the operation. Nowadays, we see terrorism as a big part of conflict and war, terrorism through roadside bombs and suicide bombers.

Suicide bombers is the topic of another bill, put before us by Senator Grafstein, that I will speak to on another occasion.

All of these things have blurred the lines between how we traditionally understand conflict or peacekeeping and the way it is today.

We used to refer to peacekeeping as being the blue berets or the blue helmets — and that is not necessarily the case. Some people look at the statistics and say, "We are not as involved in peacekeeping or blue beret missions as we used to be." That may be, but that does not mean we are not involved in peacekeeping operations under another flag or banner. We certainly are.

In Kosovo, we acted under NATO. If we had not acted, there would have been genocide. There was an ethnic cleansing exercise under way, and it was getting worse with time. The UN just did not act in time — which is one of the problems with getting into UN missions. The UN frequently does not act on time. In order to save lives, we have to get in there, either under another banner, like NATO, or a coalition of the willing.

Hence, do not say, as some people do, that we no longer involve ourselves as much in these kinds of international operations. We certainly do; the operations just are not necessarily all under the UN banner.

While the nature of peacekeeping has changed, honourable senators, the goal has not. The goal is still to try to bring the kind of peace, freedom and dignified way of life to people in other parts of the world that we have the great opportunity of enjoying in Canada, all too often taken for granted. That goal still applies today.

The bill before us, honourable senators, legislates August 9 as an annual date for honouring and remembering our peacekeepers. August 9 was chosen as a result of a loss of lives that occurred 32 years ago on that date. On August 9, 1974, 9 of our peacekeepers were killed in a plane that was struck by a surface-to-air missile en route from Beirut to Damascus. That loss represents the largest loss of Canadian peacekeepers in one single incident.

However, as I say, 114 peacekeepers in total have lost their lives, and it is all of those people that we remember. August 9 is simply the date that the member in the other place selected as being the date to remember, pause and reflect on what our peacekeepers have done.

There is another important day on our calendar every year, and that is November 11, Remembrance Day. While not exclusionary by any means, on November 11 we focus on those who lost their lives in the First World War, the Second World War, Korea and now of course Afghanistan. To have a day to reflect upon peacekeeping operations, in addition to Remembrance Day, is a good thing to do. The Canadian peacekeeper has earned the respect and admiration of the international community. We should now honour them by declaring each August 9 as National Peacekeepers' Day in Canada.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would the honourable senator accept a question?

I have not yet read or had full chance to reflect on the bill, but I have a preliminary question. The honourable senator mentioned at end of his comments that November 11 is the day we honour those who died in wars for the cause of our country, the day Canadians honour the veterans of past wars — and Senator Eggleton mentioned some of those wars.

Peacekeepers are soldiers first; peacekeeping is a part of their duties as soldiers. How will those soldiers feel about August 9 versus November 11? Will they feel they cannot be a part of November 11? Will participants of November 11 say to our peacekeepers, "You have your own day, August 9; that is your day; November 11 is reserved for other people in other wars"? In other words, we are making a distinction between two types of wars: the soldier who served and was either hurt or killed in action during a peacekeeping effort versus a soldier who dies or was hurt

in combat war. Have soldiers been consulted? Is this what they want? Have peacekeepers asked for their own special day, other than November 11?

Senator Eggleton: As I indicated a few moments ago, while November 11, Remembrance Day, is not exclusionary to anyone who has served in our country, it particularly focuses on veterans, Canadian Forces of past and present who have been in wars and those kind of conflicts that we associate with World War I, World War II, Korea and Afghanistan. However, in between all of those, and even currently, we have been involved in many peacekeeping operations. It is a different level of conflict, but we have been involved in a different kind of role as well. That is recognized in many different ways. For example, we have a peacekeeping monument on Sussex Drive, over and above our war memorial.

• (1520)

We also have peacekeeping medals that are given in different conflicts and wars at different times, different battles, a Canadian peacekeeping medal and a UN one. There are some distinctions in that regard.

Also many non-military people have engaged in peacekeeping. I have presented peacekeeping medals to many people in shirts, ties and suits who had never worn a uniform. Others wear different uniforms, like the RCMP or the municipal or provincial police, and do not serve in the Canadian Forces. It is an effort to focus a day on them.

Heritage Canada publishes a lot of material about November 11, much of which really relates to the wars. I do not think they necessarily mean to be exclusionary. This day would give that same department an opportunity, on August 9 each year, to reflect upon peacekeeping and the sacrifices made by those involved and the good work done. In addition to military operations, humanitarian operations have been carried out in peacekeeping missions as well. That is how I see these two days.

Just as the peacekeeping monument and the war memorial are complementary in terms of service to this country and the cause of peace, this additional day can be as well.

Hon. Nancy Ruth: If peacekeeping includes the police forces helping in the reconstruction and rebuilding of nations, does it also include other NGOs, such as teachers, nurses or doctors?

Senator Eggleton: Absolutely. As I said a moment ago, I have given peacekeeping medals to many people in civilian clothes. There are many who have served in many different ways. Peacekeeping is so multi-faceted and involves not only the military, but also people providing humanitarian aid. Many NGOs and people of different walks of life, including nurses and teachers, have been involved in these operations. It draws recognition to the 114 people who sacrificed their lives, and to all those who have served. Some came back wounded, either physically or emotionally, and some got the peacekeeping medal because of outstanding service. This honours and brings additional focus to them, over and above the recognition on November 11.

Hon. Joseph A. Day: Honourable senators, I wonder if Senator Eggleton's intention is to use the term "peacekeeping" in the broader sense of military activity, or is his intention to restrict the term to those who were involved in activities that at one time were referred to only as peacekeeping, to be excluded from peace making? For example, those terms of engagement that permitted the military to engage in the use of force if necessary. Are we talking only about individuals involved in the non-combative, non-engagement role?

Senator Eggleton: As I indicated in my remarks, peacekeeping has changed over the years. Peacekeeping is a general term still in use today. It started back in the days of Lester Pearson, perhaps before that. We continue to use it in a generic sense, even though the nature of missions today has changed a lot. I am not speaking of Afghanistan here, because I think most people categorize that as a conflict or war condition as opposed to peacekeeping. People will have different definitions.

However, peacekeeping has changed, and we have had to develop a combat capability during peacekeeping. We have always needed it, even in Cyprus.

The dangers have become more multi-faceted and challenging in more recent times: Kosovo, Bosnia, where genocide or ethnic cleansing issues came into play. Because there has been more combat, we use phrases like "peace making" or "peace enforcement." I think peacekeeping can be used to cover any of those. It is inclusionary; it does not exclude any of the other phrases.

Hon. Leonard J. Gustafson: Is Senator Eggleton suggesting that this be a statutory holiday? I think we all agree that we honour the activities of people in whatever avenue of life who bring peace, but as a contractor there are so many holidays that it is very difficult to get any work done anymore.

I would agree that we have a day, but not a statutory holiday.

Senator Eggleton: Honourable senators, I would not mind a statutory holiday, we all like those. No, it is not a statutory holiday at all. It is intended as a day of reflection on what our peacekeepers have done, and I hope we will publish educational materials to help people understand. We have various other days that do not have statutory implications but recognize different occasions. We have a Vimy Ridge Day, for example. Again, materials are distributed to reflect upon the battle of Vimy Ridge, but it is not a statutory holiday. I am sorry to disappoint those who wanted it, but this is not a statutory holiday either.

Hon. Roméo Antonius Dallaire: Honourable senators, I apologize for having missed the beginning of the debate.

The term "peacekeeping" can either be considered history, that it does not exist anymore, or recognized as an all-encompassing capability in which we provide conflict resolution that ultimately ends up with a peace agreement and monitoring as we do nation building. Debate has gone on in the academic and military milieu, and the term "peacekeeping" has remained all-encompassing — and not purely blue beret, as some might think. As the honourable senator mentioned, when he was minister and that medal came about, it did not include the volunteer aspect to peacekeeping. Many of them have been distributed that way. This is one lovely thing that is not distributed by mail anymore, but by people; either a fire chief, mayor, MP, senator, et cetera.

August 9 is already being recognized by peacekeepers; there are parades all over the place. My understanding is the honourable senator's aim is to keep it as a day of recognizing peacekeepers, but not have any more significant role than November 11. It is not in competition, it is a different exercise. Am I correct on that?

Senator Eggleton: The honourable senator is absolutely correct. That is exactly what I was trying to say. Peacekeeping has changed. We still use the term, although if we were reinventing the term today we might come up with another one. I also include the traditional kind of peacekeeping that we think of in terms of Suez, Cyprus, or Israel's Green Line with two armies in ceasefire, which still occurs today. During my time as minister we had Eritrea and Ethiopia. I travelled the no-man's lands between those two armies and it had much the same look as other more traditional ones. However, whether traditional or a modified kind of peacekeeping, they are all dangerous missions.

On motion of Senator Nancy Ruth, debate adjourned.

• (1530)

THE SENATE

PRESENTATION OF NEW PAGES

The Hon. the Speaker: Honourable senators, I wish to take the opportunity to introduce three new Senate pages who will be working with us this year.

I begin with Charlene Kwiatkowski, who comes from Langley, British Columbia. She graduated from high school as valedictorian and has had the pleasure of being involved in school and church activities there and in Ottawa. She has a love for poetry, playing the piano and sewing. Charlene is enjoying her second year at Carleton University where she is studying humanities and French.

Stephen Lichti comes from Waterloo, Ontario. After graduating from high school, he joined the Katimavik youth program and travelled across Canada volunteering with other young Canadians. He is currently in the second year of study in the Civil Law Program at the University of Ottawa.

[*Translation*]

Marie-Pierre Daigle is from Grand Falls, New Brunswick. Her love of languages and culture took her to Russia last summer to perfect her knowledge of the Russian language. She is currently working toward her degree in International Studies and Modern Languages at the University of Ottawa.

[*English*]

PAGE EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I wish to introduce a page from the House of Commons in the person of Heeba Abdullah of Toronto, Ontario. She is enrolled in the Faculty of Social Sciences at the University of Ottawa where she is majoring in psychology.

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST GOVERNMENT RESPONSE—POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Peter A. Stollery, pursuant to notice of November 22, 2007, moved:

> That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007 during the First Session of the Thirty-ninth Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.

Hon. Sharon Carstairs: Honourable senators, I rise on a point of order. The motion before us is an unusual one. We are asked to approve a motion to approve a report, but the report is not before us. We have in the past moved motions where a report was approved in a previous session and was moved again by simple motion, primarily for the purpose of obtaining a government response.

However, this case is somewhat different. This report was not approved in the previous session. Indeed, it can be argued that at least one senator, who was a member of the Foreign Affairs Committee — the committee that tabled the report — had serious disagreement with the report, which was the reason he took the adjournment and had not yet spoken, and the prorogation intervened. I believe that it was his intention to move an amendment to the report for which we have precedents in this house.

However, although we now have a motion before us, we do not have the report. The question is: How can a senator who had wished to move an amendment to a report move an amendment to a report which is not before us? To put it mildly, it is somewhat confusing. In my view, it is also an extremely dangerous precedent.

This chamber has always taken the attitude that once we have a prorogation, everything on the Order Paper dies. We do not have a process to revive bills at the stage they had been in the previous session, as is the case in the other place. While in my view that may be a bad thing, that is, in fact, our current rule.

If we are able to revive motions, even motions that have not been approved in the previous session, does that mean that reports from 10 or 15 years ago could also be revived? Could we actually move a report so old that none of us presently sitting in the chamber even remember the report? Does that make any sense?

We now appear to be moving one step forward. If this motion were to be proceeded with, we would be eliminating the need for a fulsome debate on a report and potential amendments because, I reiterate, the report is not before us.

The best suggestion might be to send a reference to the Standing Senate Committee on Foreign Affairs and International Trade where they then could present a report, either the identical report or a revised one — that would be their choice. We would then have the report before us, and we could make the decision to amend or not to amend, to pass or not to pass.

To proceed to this motion, without a report, is, in my view, unacceptable and dangerous to the good operation of this place.

Some Hon. Senators: Hear, hear.

Hon. Anne C. Cools: Honourable senators, I happen to have before me, on a different file, material on the entire question of revival of bills and proceedings. However, as we are on this motion, I will say that I believe Senator Carstairs has a valid point of order.

As I have been reading the motion, I observed a few things: First, that, in point of fact, the motion is asking honourable senators to vote on something that the senators have not seen, and it is an item which is not before the Senate at all because it has not been placed before the Senate for debate in any form or fashion. In other words, the Senate does not have cognizance of the report in question and, therefore, is not in a position to debate and to vote on it because senators have not been able to read the report because the report has not been put before us.

Second, this report is a creature of another committee from another session. My understanding, honourable senators, is that when it comes to Senate reports and debates on them, we can only debate and vote on reports that are creatures of the current committees and creatures of the current session of Parliament.

• (1540)

This is a strange creature. I do not know what it is but it is a strange creature. Senator Carstairs is absolutely correct; if we can adopt this report, why stop with this one? Why do we not search back into the annals of Senate history and adopt several, many and varied reports?

So it is a strange creature.

The other matter that I want to add here is that this report does not originate from the committee. The name of the report in question is, *Overcoming 40 Years of Failure: A New Road Map For Sub-Saharan Africa*, but this report does not originate in the Standing Senate Committee on Foreign Affairs and International Trade.

If it did, it would have been presented and placed before the Senate for consideration. It would have been presented on the Order Paper, under the daily routine of business called "Presentation of Reports from Standing of Special Committees," which would have allowed the report to be printed and to be placed before us so that we can study it. Therefore, it does not originate from the committee.

It seems to originate from an individual — I believe a member of that committee, but an individual member of the committee who has moved a motion on notice. That is why we are on this part of the *Order Paper and Notice Paper*, where we are looking at motions on two-day notice.

If honourable senators look at the motion that is before us — motion number 64 on the *Order Paper and Notice Paper* — it says clearly two days "By the Honourable Senator Stollery, November 22, 2007"; so two-days' notice was given on this motion on November 22. The usual process that is followed is that a chair or a deputy chair — or it could be an individual senator on behalf of the chair — will rise under the Daily Routine of Business and present the report, at which point the Speaker rises and inquires as to when the report should be considered. Then a motion is usually made that it be placed on the Order Paper or whatever the disposition that is desired. It is that process of presenting the report before the Senate that places it before us for debate.

This report is the same thing. Things do not spring onto the Order Paper. Bills, for example, are introduced. There is a whole process for placing proceedings before us. Therefore, this most interesting oddity seems to spring out of the air. Honourable senators, to that extent, one could say it is defective.

There are thousands of solutions. One could be for the committee to take cognizance of the report again and then make a new report to this house. There are many other solutions. However, what is crystal clear to me on the face of it is that we cannot vote on this motion because it does not place the report before us.

Since I have these documents before me, one of the huge difficulties of this motion is the whole question of prorogation. I have in front of me a copy of the prorogation proclamation of September 14. As we remember, that proclamation prorogued the Parliament of Canada until October 16, 2007.

Honourable senators, this is a proclamation, a royal decree and not easily overcome by any simple vote of the House. If one were to look at the proclamation, it says clearly that it is given:

> At our Government House, in Our City of Ottawa, this fourteenth day of September, in the year of Our Lord, two thousand and seven, and in the fifty-sixth year of Our Reign.

Our Government House, as honourable senators know, is the seat of the Government of Canada.

I want to put that on the record. However, more importantly, I wonder if I can put one statement on the record as to what prorogation is and what it is not, and what it does and what it does not do. I want to read from Sir John George Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada*, fourth edition, published in 1916. He says the following on pages 102 to 103:

> The legal effect of a prorogation is to conclude a session; by which all bills and other proceedings of a legislative character depending in either branch, in whatever state they are at the time, are entirely terminated, and must be commenced anew, in the next session, precisely as if they had never been begun.

He continues:

> In like manner a prorogation has the effect of dissolving all committees, whether standing or special.

Therefore, honourable senators, this situation is odd, although I have no doubt that it is a well-intentioned situation. There is a solution. However, I and most people, I think, will have difficulty voting on this motion. In other words, the motion is defective and His Honour should not put the question on this motion because it is defective.

His Honour should declare this motion out of order because it asks the Senate to vote on a matter that has simply sprung over a prorogation. In other words, it decided to oust a prorogation. In addition, the matter is not before this house at all because it has not been introduced or presented. This motion states that "the seventh report . . . be adopted." Before we can adopt a report, honourable senators, we must take it into our possession, into our cognizance.

Honourable senators, I am sorry that I am not better prepared. Those two quotations I happen to have here because I have been working on another file. As a matter of fact, I have not paid too much attention to this issue.

I thank Senator Carstairs for raising it, but this motion is very much out of order. Perhaps a better solution would be for the mover of the motion to withdraw it and to start over again.

Hon. Eymard G. Corbin: Honourable senators, it is possible that there was a flaw in the process of this matter coming before the Senate. I say "possible."

However, the record of the Standing Senate Committee on Foreign Affairs and International Trade will show that at a meeting last week, the committee came to a consensus to the effect that Senator Stollery would be mandated on behalf of the committee to resurrect the report in the chamber of the Senate in the form that is now before us. That mandate is simply what Senator Stollery is attempting to fulfil. We are not resurrecting a report tabled in this Senate 15 years ago. To suggest that that could be done is a rather silly suggestion, in my opinion. We are doing this on the heels of the previous session.

• (1550)

The report was tabled in this place on February 15, 2007. It was printed and distributed. It was made available to honourable senators for months. Some honourable senators spoke, while others chose to delay their participation in the debate, for their own good reasons. I do not quarrel with that. That can be done under our rules. However, at one point we must come to some finality, it seems to me.

If there is a flaw in the process by which we bring this matter anew to the attention of this honourable house, I ask His Honour to so indicate to us so that we could correct the process. However, as a member of the committee in question and as one of the many co-authors of this report, which was the object of a consensus — I am not denying that there was some opposition to it — I can say with some certainty that we are not trying to play games. The fact that this motion is now before the house provides an opportunity for everyone to participate in the debate and to express their views. That is my contribution, honourable senators.

Senator Stollery: Honourable senators, as Senator Corbin has said, and as members of the Standing Senate Committee on Foreign Affairs and International Trade are aware, I was mandated by the committee to deal with the report that the Senate did not adopt in the last session, though a large majority of the committee wanted that done.

I wish to point something out to honourable senators. I am reading an article from what I think is today's *National Post*. This is relevant. It is an interview of Minister Oda, the minister with responsibility for CIDA. It reads:

> If it adopts the recommendations of a Senate report issued this year — "that's what we are working on, for sure," said new CIDA minister Bev Oda . . .

It is interesting that what is happening is that the world is continuing without us because the Senate has not been able to complete the business of this report.

As honourable senators can imagine, when I had my instructions from the committee I consulted at the highest levels here in the Senate as to how to proceed. I did not invent this procedure myself. I was told very clearly that the report is a public document, that it became a public document once it was tabled by Senator Segal, and that it was not necessary to table the public document again because it is a public document. Those were my instructions. I do not know what else I can do when I am told that by the most senior officers in the Senate.

On the business of sessions, I remind honourable senators that I have been in Parliament, both in the House of Commons and the Senate, for 35 years. I know full well what happens when sessions end. All legislation falls off the table. That is the way it was until recently. We now have new procedures for sessions, and this is in some way being caught up in this series of new procedures.

For example, if a bill came to the Senate and the session ended, the procedure would have to start all over again in the House of Commons. That is no longer the case. The Rules Committee, if I am not mistaken, is trying to sort out just what we do in the Senate with legislation from a previous session. It reflects poorly on our ability to complete our own business. The minister is taking some of our recommendations seriously enough — and these are only some of our recommendations, of course — such that she is quoted as having said that they are trying to comply with some of our suggestions and recommendations.

I was told that it was not necessary to reintroduce the report because it is already a public document. We feel that we cannot get the response from the appropriate government departments until the report is adopted. This is not a partisan argument. I do not think that anyone objected to the procedure at the meeting. The decision was pretty well unanimous, I would have said. I am looking at the chair of the committee. I do not want to put words in his mouth, but that is what I recall.

Therefore, I am somewhat surprised, when I follow the recommendation of the officials and do what I am supposed to do, that I find myself in this situation. The world continues outside of this place. Our report has had about 9,000 downloads and has gone all over the world, but we cannot agree to do the obvious thing, which is: By the way, I am moving the adoption. If you do not want to adopt it, you can always vote against it.

I find myself perplexed, honourable senators, because I have done exactly what I was supposed to do. I respect Senator Cools strongly in matters of procedure. She is a very knowledgeable person, and Senator Carstairs was a leader of a former government in the Senate.

This discussion has been caught up in the business of when a new session starts. There are new rules being put together. I do not think it is right that the Senate report, which is a strong report and one with which both sides agree — there is no question — cannot be dealt with in the proper manner.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I think we have heard the arguments on both sides of this point. I suggest that His Honour take the matter under advisement. Unless His Honour is prepared to render a decision at this point, I suggest that the matter be adjourned until such time as he returns with a response.

The Hon. the Speaker: Honourable senators, it is for the Speaker to determine when he has heard enough on the point of order, and I will not have heard enough on the point of order until I hear from Senator Di Nino and Senator Fraser.

Hon. Consiglio Di Nino: Honourable senators, I want to briefly intervene by acknowledging the fact that Senator Stollery, as Deputy Chair of the Standing Senate Committee on Foreign Affairs and International Trade, requested of the committee that he be allowed to present this motion, which was agreed upon by the committee.

I am not sure whether there is a technical misunderstanding here, but I am confirming the comments made by Senator Stollery and Senator Corbin as they relate to the committee. I confirm not the words of the motion, necessarily, but the fact that the motion was discussed and approved at the committee.

Hon. Joan Fraser: Honourable senators, I rise in support of Senator Carstairs' point of order. This may be a technical point, but technical points are important. That is why we have rules. Otherwise, it could just be a free-for-all in here every day and then it would be a good thing that we are two sword lengths apart.

• (1600)

Rules matter. Even in the report of the Rules Committee, which is in fact before the chamber, it is not suggested that reports of committees be revivable in the same way that it is suggested for bills to be revivable in the second session of Parliament. I think there are good reasons for this distinction to be drawn.

That said, I understand that the Foreign Affairs Committee, or some members of that committee, have an interest in not seeing this subject die, and I think the circle can be squared. Perhaps Senator Stollery could rephrase his motion along the lines of, "Whereas, in the first session of the Thirty-ninth Parliament, the Standing Senate Committee on Foreign Affairs and International Trade studied these matters, and whereas, the committee discovered whatever it wants to mention in the first session, the Senate therefore asks the government to provide the Senate with a statement of its policy" — and we could set a deadline, as we often do when asking for government responses.

Honourable senators, I think we have two problems: First, there is disagreement over the content of the study, which is a separate matter; second, the technical problem, which, as Senator Carstairs says with absolute accuracy, is that the report is not before us. I do not think we have a method to bring the report before us just like that, but that does not stop us from asking the government to take a position on anything we want it to take a position on.

Hon. David P. Smith: Honourable senators, I am sympathetic to the point of view expressed by Senator Stollery and Senator Comeau. I just caught the tail end of their comments, as well as the tail end of Senator Cools' comments.

We do have on Reports of Committees, item No. 1, where we dealt with reinstatement of bills, which I think is very desirable. Senator Cools and I have an honest difference of opinion. I do not agree with her and she does not agree with me. The Rules Committee spent a lot of time studying this and arrived at a unanimous decision before the end of the session, and we hope that will be dealt with soon.

However, I think there is a point here that the rewording and rephrasing of the motion can be accommodated. I hate to see us in these straitjackets, but I think this is a straitjacket that can be easily solved. I am sympathetic to what they are trying to achieve and supportive of it.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I do not want to repeat what has been said, but the rules state:

> . . . pursuant to rule 131(2)

And rule 131(2) states:

> The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate . . .

The motion to adopt the report includes such a request. I just wanted to bring that to the Hon. the Speaker's attention.

[*English*]

Senator Cools: Honourable senators, I should like to apologize to Senator Stollery. As I said before, I have not read the proceedings of the Senate committee, and I have no knowledge of what he was saying in respect of the most recent committee asking him to revive this issue before us. I am purely responding to the motion as it was, and as it is before us. It is undoubted, honourable senators, that, as it is written, the major defect still remains the fact that, if Senator Stollery was attempting to resuscitate or to revive the issue and the report, that is not what has happened. As this motion reads, the report is still not before us for our consideration and for our vote.

I have known Senator Stollery for a long I am and I should like to say that I had no knowledge and I was not attempting to judge that. If the committee gave him authority, then there is a way for Senator Stollery to revive the report, but I would submit that way involves the committee having to readopt the report or something of that nature. The report simply cannot be sprung on to the floor

here by virtue of this motion. This motion, as well-intentioned as it — and it is very well-intentioned — asks us to vote on the report, but it does not place the report before us for voting, so that issue still must be resolved, honourable senators.

Hon. Donald H. Oliver: Honourable senators, I want to make two remarks. First, Senator Robichaud quoted the rules of this chamber. The language that he read deals with a report that had been adopted — and the report had not been adopted.

Second, I want to state that I agree wholeheartedly with the remarks of Senator Carstairs. They are, in my opinion, legally correct and proper.

The Hon. the Speaker: Honourable senators, I will conclude by hearing from Senator Carstairs.

Senator Carstairs: Honourable senators, I thank everyone for participating in this point of order. It really is a simple concept. If the Foreign Affairs Committee brought forward a very quick mandate that they wanted to do a study on Africa, which we know in fact has been done, they would then get that approval, move their report and bring it back to the chamber. We would then have the report. We could vote on the report, or against it, but we would be voting on the report, honourable senators; we would not be voting on a motion.

That is my point, here, namely that we must do things in an appropriate fashion, so that we are dealing with reports, not motions.

The Hon. the Speaker: I thank all honourable senators for their contributions on the point of order that has been raised. I shall take the matter under advisement and report with a ruling as soon as possible.

Order stands.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

Hon. Art Eggleton, pursuant to notice of November 28, 2007, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine issues relating to the federal government's new Science and Technology (S&T) Strategy — *Mobilizing Science and Technology to Canada's Advantage*.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, December 4, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, December 4, 2007, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Thursday, November 29, 2007

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21		
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29							
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs					
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance					
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27		
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23							
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30							
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31							
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13							
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0			
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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Debates of the Senate

2nd SESSION • 39th PARLIAMENT • VOLUME 144 • NUMBER 19

OFFICIAL REPORT
(HANSARD)

Tuesday, December 4, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, December 4, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

L'INSTITUT UNIVERSITAIRE DE GÉRIATRIE DE MONTRÉAL

LAUNCH OF NEW INTERNET SITE

Hon. Andrée Champagne: Honourable senators, a few weeks ago I was happy and honoured to spend some time at the Institut universitaire de gériatrie de Montréal and to celebrate the official launch of their Web site, www.aidant.ca.

The completion of this project is a great source of pride for all the partners involved, including Industry Canada, which contributed $75,000 to help create the Web site, through its Francommunautés virtuelles program.

The concept behind this project is another great example of the tremendous opportunities afforded by new information and communication technology in the health and social services fields.

Special events such as this show us how relevant and valuable a program such as Francommunautés virtuelles can be. The main objective of the Industry Canada program is to provide financial support for innovative and creative projects that help Canada's Francophone and Acadian communities take full advantage of these new technologies.

By supporting innovative French programs, the Government of Canada aims to close the digital divide between francophones and anglophones when it comes to accessing high-quality online content, applications and services in French.

• (1405)

By so doing, the government is also promoting the development of new French-language media.

Thanks to the aidant.ca project, the University of Montreal's institute of geriatrics will use its website to meet the information and support needs of francophone caregivers, who will be able to contact people working in the health care sector and access the resources they need to care for their relatives.

That same day, I had the great pleasure of seeing Frédéric Back, who is still known to many as "The Man Who Planted Trees". This great animator was the institute's official spokesperson. He is there every day to spend time with his wife, who is still in rehabilitation. Like me, he hopes that the new web-based service will be useful to anyone wondering where to find the help and support they need to succeed at the difficult job of caregiving.

I discussed this with the minister in charge, and I believe that the program will not only be renewed, but will also receive additional funding in the next budget.

In closing, I would like to congratulate everyone who contributed to making this project a reality.

[*English*]

HALIFAX EXPLOSION

Hon. Sharon Carstairs: Honourable senators, I would like to take you back in time; back 90 years, when this country was in the midst of one of the greatest and far-reaching conflicts of all time. World War I traumatized and changed the face of the world, particularly the Western world. It was responsible for what is arguably the most traumatic event in Canadian history.

In 1917, Canada was at war. The Port of Halifax, in particular, was a nexus of the Canadian war effort. This city of 50,000 people was the hub of the Canadian war effort, and also a focal point for the British Navy. The life-blood of the city was the harbour and the hundreds of convoys and ships travelling back and forth to Europe. As a result, the people and industry of the town clung to the shores of the harbour. Looking out over the water on December 6, thousands of people witnessed two ships that had collided and caught fire. The spectacle drew people out of schools, out of work and out of their homes to watch the excitement. Two thousand people would never be able to tell their stories. Six-thousand more would be injured, and many would suffer this legacy for the rest of their lives.

Let me put this into perspective: One out of every 25 individuals in the city of Halifax was killed. More than one in 10 was injured. I invite you to take those numbers and apply them to your hometown. Just imagine the consequences. This is what Haligonians suffered in December, 1917.

Honourable senators, twice before I have stood in this chamber to ensure these victims would be remembered. We owe this to them. We owe it to the ordinary men and women who were victims of the disaster whose only crime was being in the wrong place at the wrong time. We owe it to the children who never had a chance to grow up and reach their potential. We owe it to the survivors who forever had their lives changed in losing friends, family and community. On a personal note, I owe it to my grandfather who died 90 years ago as a result of the injuries he suffered in the Halifax explosion.

BARKERVILLE

Hon. Lillian Eva Dyck: Honourable senators, in July I had the pleasure of providing opening remarks for the fourth International Conference on Indigenous Education: Asia/Pacific Regions, hosted by the Centre for International Academic Exchange, First Nations University of Canada. Lily Chow, one of the speakers at the conference, told me of the importance Barkerville, B.C., has in Chinese-Canadian history.

Located in the Cariboo region of British Columbia, it is one of the largest historic sites in western North America. Barkerville is rich in Chinese-Canadian history and was established as a gold mining town in 1862 at the height of the Cariboo Gold Rush. It is the only museum in B.C., if not all of Canada, that retains the characteristics of an early gold mining town.

• (1410)

Barkerville has very good collections of artifacts and interpretive programs that reflect the history of the gold rush period. It commemorates the lives of thousands of people who came from all over the world to search for gold. One of the largest migrations was from Guangdong province in southern China; many came from Kaiping, the area of China that my father came from.

As an historic site and museum, Barkerville's resources are extraordinary. There are 135 heritage structures dating from 1869 standing in the same places they were built. There are two historic cemeteries, as well as large pieces of mining equipment and landscape features such as hydraulic pits, ditches and mine dumps. Barkerville has 187,000 objects, including over 20,000 photographs in its archival collection.

Barkerville has the oldest and largest collection of Chinese buildings and artifacts in North America, including the largest collection of pre-1900 written documents that are specific to North American activities and the oldest Chee Kung Tong building in Canada, which has been nominated for national designation.

Honourable senators, designated as a Provincial Heritage Site in 1958, Barkerville is a national treasure that lives on for all Canadians.

[*Translation*]

THE LATE RIGHT HONOURABLE ANTONIO LAMER, P.C., C.C.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is with great sadness that I pay tribute to a man who was one of Canada's most eminent jurists and judges, the Right Honourable Antonio Lamer, who died at his home in Ottawa on November 24.

A great defender of rights and freedoms, a leading figure in Canadian justice, and a veritable incarnation of the wisdom of the Charter, Antonio Lamer was appointed to the Supreme Court of Canada in 1980 and became the court's 16th Chief Justice in 1990.

[*English*]

Appointed at a time when elected officials had the last word on Canadian laws, Chief Justice Lamer was among the judges who participated in the legal revolution brought about by the Charter of Rights and Freedoms, helping our system move from the supremacy of Parliament to the supremacy of the Constitution.

[*Translation*]

Unrivalled in his ability to understand the need to strike a balance between collective interests and individual rights and freedoms, Antonio Lamer not only sanctioned the supremacy of the Constitution of Canada, but he also contributed to rulings that made history. From Aboriginal rights to the independence of judges, to the rights of the accused, not to mention the *Reference re Patriation of the Constitution* and the *Reference re Secession of Quebec*, the decisions signed by Antonio Lamer and other Supreme Court judges changed Canadian law and Canadian society forever.

Always committed to human dignity, he emphasized the spirit that drove his desire for justice during an interview. He said, and I quote:

> I often go to bed at night with a single obsession. I wonder whether, somewhere in Canada, there is someone in prison who is innocent.

There is no better way to express what the true philosophy of law should be.

Justice Lamer was a credit to the legal profession throughout Canada. He will be remembered for the real influence he has had on judicial reasoning and on our society, as well as for his intelligence, passion and dedication to the defence of freedom, rights and human dignity.

I would also like to take this opportunity to extend my sympathies to his family for their great loss. I shared many happy times with Mr. Lamer, particularly in Nuevo Vallarta, where I had the pleasure of playing tennis against him, but I will not reveal the score.

• (1415)

[*English*]

THE LATE JANE RULE, C.M., O.B.C.

Hon. Nancy Ruth: Honourable senators, I would like to reflect on the life of Jane Rule, Member of the Order of Canada, Member of the Order of British Columbia, professor at the University of British Columbia, and a cultural nationalist and lesbian role model for hundreds of thousands of women. Jane died last week on November 27. Jane brought the idea of women loving women into our world in her writing. She exemplified lesbian love in her 46-year relationship life with her partner, Helen.

Sandra Martin said in *The Globe & Mail* last week:

> She explored the conflict between desire and convention and the constriction that fear can extol on all intimacy, joyfulness and freedom.

The article continued:

> . . . she was part of two huge social and cultural revolutions: the decriminalization of homosexuality and the international ascendancy of Canadian literature.

When Jane came to Canada in 1956, we queers could be charged under the Criminal Code and imprisoned for five years for living our love. Fifty years ago, Canadian literature barely

existed in schools, and rarely were there books by women writers. In universities, CanLit was hardly a discipline and support for writers and poets was minimal.

Jane Rule's most famous book, *Desert of the Heart*, published by Macmillan in 1964, was scanned for libel issues until the story was almost killed. Thousands of closeted lesbians in North America wrote to Rule as if she was the only person who might understand their lives. Her book contributed to the affirmation of lesbian love and to Canadian literature. This book was written before the second wave feminist movement began in Canada, and, as Margaret Atwood said:

> Her novels were never tracts, however. What interested her was character, in all its forms. The human-ness of human beings. The richness and unpredictability of life.

Desert of the Heart was made into a movie in 1985. May I suggest that honourable senators obtain a copy of *Desert of the Heart* from your local DVD store this holiday season and understand how thousands of families celebrate love.

CANADIAN CANCER SOCIETY

Hon. Catherine S. Callbeck: Honourable senators, this past Friday I had the privilege of meeting with representatives from the Canadian Cancer Society, including the presidents of each of its three Maritime divisions: Mr. Philip Smith, from my home province of Prince Edward Island; Mr. David Samson, from Nova Scotia; and Dr. Eshwar Kumar, from New Brunswick. Accompanying them was Mr. Rob Cunningham, from society headquarters in Ontario.

The mission of the Canadian Cancer Society is clear: To eradicate cancer and to enhance the quality of life of people living with cancer. It is a mission that is vigorously pursued by 800 employees and more than 200,000 volunteers across the country.

The Canadian Cancer Society has three main priority areas for advocacy this year: First, access to cancer treatment drugs for all Canadians, regardless of where they live or their ability to pay; second, the relationship between environment and health and the public's right to know about cancer-causing agents, product labelling and government's role; and, third, tobacco-related issues, such as contraband, packaging and advertising.

Honourable senators, there is significant cause for concern. Nearly 160,000 Canadians will be diagnosed with some form of cancer this year, and more than 72,000 will die. In Atlantic Canada, both the number of people diagnosed with cancer as well as the mortality rates are higher than they are in other parts of the country. In P.E.I. alone, the number of cancer cases has increased, while rates have remained stable in Canada as a whole.

I know very few people who have not been touched by cancer in one way or another — either as someone living with it, a family member, a loved one or a friend. However, the good news is that progress is being made and that progress will continue. I commend the Canadian Cancer Society, its staff and volunteers for the difference they are making in continuing their mission to make cancer a thing of the past.

INTERNATIONAL DAY FOR THE ABOLITION OF SLAVERY

Hon. Donald H. Oliver: Honourable senators, December 2 is the International Day for the Abolition of Slavery. Throughout 2007, there have been many commemorations of Britain's 1807 law that outlawed the transatlantic slave trade. It was also on this date in 1949 that the United Nations General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Slavery is a tragic fact that has existed throughout history. The abduction and transport of slaves from Africa to the New World dates back to at least 1562. While the true number will never be known, probably more than 10 million people would have been ripped from their homeland in Africa and enslaved in the Americas. The first recorded name of a black slave in Canada was Mathieu de Coste, a member of the expedition that founded Port Royal in 1605.

Slavery was to persist in Canada for over 200 years until a gradual change in public opinion sparked a flicker of hope for those who had nothing. In 1787, the United States passed the first anti-slavery law in North America. Some six years later, in 1793 under then Lieutenant-Governor John Simcoe, a former slave owner at Hemyock Castle in Upper Canada, this nation began its long legislative road to the abolishment of slavery.

• (1420)

It was not until the British Parliament's Emancipation Act, which came into effect August 1, 1834, that slavery technically came to an end in the Commonwealth.

Unfortunately, that victory was not the end of the battle. Some 173 years later, slavery is still with us. On December 2, the United Nations Secretary-General Ban Ki-moon drew an ugly picture of slavery as it exists today. He stated:

> Millions of our fellow human beings continue to live as contemporary slaves, victims of abominable practices like human trafficking, forced labour and sexual exploitation. . . .
>
> Countless children are forced to become soldiers, work in sweatshops or are sold by desperate families. Women are brutalized and traded like commodities. Entire households and villages labour under debt bondage.

It is shameful that in 2007, people continue to live bereft of their basic human rights and freedoms.

Honourable senators we cannot turn away from their misery. I call upon all of us in this chamber to raise our voices on their behalf and exercise our political might to bring an end, a final and complete end, to slavery in all of its forms. In so doing, let us at last win the battle for freedom.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of His Excellency Danzan Lundeejantsan, M.P., Chairman of the State Great Hural of Mongolia. His Excellency is accompanied by

Mr. Chilhaajav Avdai, M.P., Chair of the Mongolia-Canada Parliamentary Group, Mr. Yadamsuren Sanjmyatav, M.P. and Mr. Tuvden Ochirkhuu, M.P.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Before proceeding to the next item, honourable senators, I am pleased to introduce three Senate pages who will be working with us this year.

Rebecca Liu was born in China and has lived in Edmonton, Alberta; Waterloo, Ontario; and finally, St. John's, Newfoundland and Labrador. Rebecca is a certified lifeguard and was the provincial coordinator for the summer work student exchange program. She is in her third year at the School of Management at the University of Ottawa.

[*Translation*]

Jessica McLean is from a small town north of Sudbury. In her community, she has been an anti-smoking activist, she has promoted the French language and she has organized a number of fundraisers. She is in her third year in international studies, with a minor in French, at the University of Ottawa.

[*English*]

Maureen Hasinoff was born and raised in Edmonton, Alberta. Before graduating from high school, Maureen served for two years as a page in the Legislative Assembly of Alberta. She is currently in her first year at the University of Ottawa, studying towards a degree in political science and economics.

• (1425)

ROUTINE PROCEEDINGS

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. Marilyn Trenholme Counsell, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Tuesday, December 4, 2007

The Standing Joint Committee on the Library of Parliament has the honour to present its

FIRST REPORT

Your Committee recommends to the Senate that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament, and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of monies voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends:

(*a*) that its quorum be fixed at six members, provided that each House is represented, and a member from the opposition and a member from the government are present, whenever a vote, resolution or other decision is taken; and

(*b*) that the Joint Chairs be authorized to hold meetings to receive evidence and to have that evidence published when a quorum is not present, provided that at least three members are present, including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

A copy of the relevant Minutes of Proceedings (*Meeting No. 1*) is tabled in the House of Commons.

Respectfully submitted,

MARILYN TRENHOLME COUNSELL
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Trenholme Counsell, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

MEDICAL DEVICES REGISTRY BILL

FIRST READING

Hon. Mac Harb presented Bill S-222, An Act to establish and maintain a national registry of medical devices.

Bill read first time.

On motion of Senator Harb, bill placed on the Orders of the Day for second reading two days hence.

NON-SMOKERS' HEALTH ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-223, An Act to amend the Non-smokers' Health Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read a second time?

On motion of Senator Harb, bill placed on the Orders of the Day for second reading two days hence.

[*Translation*]

PERFLUOROOCTANE SULFONATE VIRTUAL ELIMINATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-298, An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.

• (1430)

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NEW ENGLAND GOVERNORS AND EASTERN CANADIAN PREMIERS' CONFERENCE, JUNE 25-26, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Thirty-first conference of the New England Governors and Eastern Canadian Premiers held in Brudenell, Prince Edward Island, from June 25 to 26, 2007.

COUNCIL OF STATE GOVERNMENTS, SOUTHERN LEGISLATIVE CONFERENCE, JULY 14-18, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Council of State Governments, Southern Legislative Conference, Sixty-first Annual Meeting held in Williamsburg, Virginia, United States, from July 14 to 18, 2007.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO ESTABLISH NATIONAL PORTRAIT GALLERY IN NATIONAL CAPITAL REGION

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Senate urge the government to establish a national portrait gallery in the National Capital Region without delay.

[*Translation*]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, on April 11, the Minister of Public Works and Government Services gave former Parti Québécois minister Daniel Paillé the mandate to investigate the previous government's polling and public opinion research practices. Mr. Paillé was given $1 million and six months to complete his work.

It has now been more than a month since that deadline came and went. Can the minister tell us why the report has not yet been submitted and made public?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable Leader of the Opposition for her question. As I said, Mr. Paillé's report will soon be made public. May I remind you, as I indicated at the time, that Mr. Paillé's budget was under $1 million. And you will be pleased to learn, honourable senators, that he spent much less than that.

Senator Hervieux-Payette: That is probably the only good news. In fact, I have learned that the Conservative government spent $31.6 million in 2006-07. That figure is unequalled by any previous government.

We wonder whether the government limited Mr. Paillé's mandate because of how much money it had spent on polling. In light of this, since Mr. Paillé has money left in his budget, will he be able to move on to the next phase and examine the polling the government has done in the past two years?

Senator Fortier: Honourable senators will recall that Mr. Paillé's mandate was both retrospective and prospective. When his report is released, I am certain that the honourable Leader of the Opposition will be pleasantly surprised at the analyses he has done and the recommendations he makes.

The report tabled on Friday by Public Works and Government Services disclosed what I found to be considerable expenses for polls. That is why the government has announced a moratorium on all polls in every department, beginning today.

As you know, these polls are required by the departments and not by political employees of ministers. In order to impose parameters on polling, the government, effective today, will ask all its departments to refrain from using public funds for polls until further notice.

Senator Hervieux-Payette: It is highly commendable of the government to want to be reasonable in its spending on polls. However, once the Paillé report is tabled, it will need to address the issue. I am sure that honourable senators will be pleased to participate in a committee that could establish future parameters for polls conducted by the government. I understand that the

Privy Council Office, Prime Minister Harper's department, alone has spent $1.3 million, which is four times more than was spent under the Liberal government of Paul Martin.

• (1435)

I would like the minister to tell us whether the moratorium also applies to the Privy Council.

Senator Fortier: Yes, it will apply to the entire public service until parameters are established for polls commissioned and paid for by the public service.

[*English*]

NATIONAL CAPITAL COMMISSION

GATINEAU PARK

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. It requires an answer on government policy, and I did give notice, so I will understand if the leader takes it as notice.

My question has to do with the government's land management policy in Gatineau Park. In 1988, the Treasury Board decided that all of the lands in Gatineau Park would be added into what is called the "National Interest Land Mass," and that means those lands are deemed to be important for the development of the capital region and for the use of future generations.

On July 13 last, the Minister of Transport, Infrastructure and Communities, Lawrence Cannon, allowed in an article in the *Ottawa Citizen* that some of those lands should be sold off, which would be contrary to the 1950 Gréber Plan and to all of the development plans that have existed in the past several decades with respect to Gatineau Park. I note in passing that the Auditor General's report noted that the NCC needed to manage the National Interest Land Mass with more clarity.

Has that question been resolved or determined by the government? Is it the position of the government that it may sell off some or any or all of the lands in Gatineau Park?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for the question and for the courtesy of giving me advance notice and also sending me the newspaper article to which he referred.

The government strongly believes in protecting our national treasures, and that is why we invested an additional $15 million in the National Capital Commission to ensure that priceless green space stays within the protected mantle of the federal government.

With respect to the status of Gatineau Park, both the Minister of the Environment, Minister Baird, and the minister responsible for the National Capital Commission, Minister Cannon, have publicly committed to ensuring the long-term protection of Gatineau Park.

As you know, in general terms, the government is committed to preserving our environmental and natural green spaces. Recently, the Prime Minister and the Minister of the Environment have made announcements regarding the preservation and protection of many areas across the country. With regard to the federal park, Minister Baird and Minister Cannon are both on the record as ensuring the long-term protection and preservation of Gatineau Park.

Senator Banks: Honourable senators, I understand that governments of all stripes for the past many decades have said that they are committed to preserving green spaces in Gatineau Park. However, previous governments from time to time have dealt with lands that were thought to be in Gatineau Park in ways which were not consistent with what we would normally assume to be preservation.

Are there any circumstances in which the Government of Canada today would sell or otherwise dispose of lands that are contained within what are now understood to be the present boundaries of Gatineau Park?

Senator LeBreton: Honourable senators, that is a very specific question. I am not aware of any, but I am happy to take that question as notice.

[*Translation*]

OFFICIAL LANGUAGES

FRENCH LANGUAGE SERVICES IN PUBLIC SERVICE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, last week, the Commissioner of Official Languages harshly criticized the government regarding its respect for the Official Languages Act.

Commissioner Graham Fraser said:

> At present, the public service is taking a less rigorous, even minimalistic, approach to the Official Languages Act.

Once again, this government is all talk and no action. The commissioner estimates that the active offer of services in French has gone from 24 per cent to 13 per cent in 37 target departments and agencies. At the Ottawa airport, the active offer of services in French is zero per cent.

Can the Leader of the Government tell us what concrete actions the public service will take to ensure that linguistic duality is respected?

• (1440)

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I would be interested to know in what time frame this erosion took place, but, as I have said on many occasions, the government is fully committed to the principle of linguistic duality. We have proven this by taking action on several fronts. Minister Bernier recently attended the Ministerial Conference of the Francophonie, which Canada will now chair for two years. The government committed to conducting public consultation on the future of minority language policy as part of our strategy for the next phase of our action plan on official languages.

The Prime Minister was in Moncton, New Brunswick, yesterday and named former New Brunswick premier Bernard Lord as a special adviser for these consultations across the country. The former premier will report to Minister Verner by mid-January. As I recently said, I believe in answer to a question from Senator Tardif, the government signed a new agreement with the Yukon to support French-language services, under which we will contribute $3.5 million.

Also, on October 20, Minister Verner announced funding to help the francophone federation of British Columbia prepare and welcome the international francophone community during the 2010 Winter Olympics and Paralympic Games in Vancouver. Of course, with regard to the appointment yesterday of former Premier Lord, this appointment was fully supported and lauded by the Commissioner of Official Languages, Mr. Fraser.

[*Translation*]

SPECIAL ADVISER FOR THE CONSULTATIONS ON LINGUISTIC DUALITY AND OFFICIAL LANGUAGES—APPOINTMENT OF BERNARD LORD

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my supplementary question is about the appointment of Bernard Lord as Special Adviser for the Consultations on Linguistic Duality and Official Languages. As André Pratte pointed out today in his *La Presse* editorial, people are wondering why the government wanted to engage the services of Mr. Lord when the Commissioner of Official Languages, Graham Fraser, has already submitted numerous recommendations, one of which was the reinstatement of the Court Challenges Program.

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the Honourable Senator Tardif for her supplementary question. I believe Mr. Fraser supports this — and I am happy that he does so. Bernard Lord has a unique experience in dealing with this matter. Mr. Lord is a good Acadian, although partly a Quebecer. As I have reported here before, Minister Verner is embarking on a program to enhance our commitment to official languages. The appointment of Bernard Lord in no way undermines the work of the Commissioner of Official Languages. Mr. Fraser has a full plate with very specific responsibilities.

In Mr. Lord's case, he will travel around the country meeting with the various stakeholders and people who perhaps would not normally be sought out for their opinion. In my view, and I am sure the senator shares this view, anyone, especially someone of the calibre of Mr. Lord, who can contribute to the advancement of official languages and assist the minister, Minister Verner, should be celebrated and not derided.

[*Translation*]

Senator Tardif: Will Canadians and parliamentarians have access to Mr. Lord's report?

[*English*]

Senator LeBreton: Actually, as I said in response to Senator Tardif's first question, Mr. Lord will report to the minister by mid-January and I would expect that, very shortly thereafter, the report would be made public.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, I do not know by what authority Mr. Lord was appointed as a special adviser. Can the Leader of the Government table documents in the Senate confirming his appointment and the terms and conditions governing the execution of his mandate?

• (1445)

[*English*]

Senator LeBreton: Mr. Lord was appointed as a special adviser to Minister Verner and the government. His actual category is special adviser to the government.

[*Translation*]

Hon. Pierrette Ringuette: Can the minister also provide the Senate with information about how much Mr. Lord will be paid for his month of work?

[*English*]

Senator LeBreton: I will take the honourable senator's question as notice.

[*Translation*]

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate, and it is about the consultations that Mr. Lord will be undertaking. These consultations will take place between now and mid-December, and the minister, Josée Verner, stated that the consultations will shape the development of the strategy to determine the next phase of the action plan. This suggests that the government is looking for a new strategy to follow up on what has already been done.

One of the news releases also stated the following:

> The discussions will focus on broader themes, such as demographic changes, the economy, new technologies and the modernization of government.

Could these broader themes to be discussed during the consultations become the basis for a new strategy? Will the government develop its community support strategy on the basis of these themes? What will become of what was done during the first phase of the plan? And what will happen with education, early childhood education, immigration, the legal system and French-language health services?

[*English*]

Senator LeBreton: I thank the senator for putting on the record some of the comments in the press release. Minister Verner has taken this responsibility seriously. Mr. Bernard Lord has been named as the special adviser. The government intends for him to consult widely and to report back. The government intends to strengthen, support and increase commitment to official languages, bearing in mind that the demographics of the country have changed.

Mr. Lord will be taking all of this into account. He will not be seeking advice only to say we will not follow it. The intention is the opposite. Mr. Lord is well equipped for this task. He was a premier and knows many people across the country. In his work with Minister Verner, Mr. Lord will quickly put together working groups of people who must be heard in order to formulate a new and modern policy in regard to advancing, quite rightly, the official languages and the linguistic duality of our country.

[*Translation*]

Senator Chaput: Honourable senators, if I understand correctly, once the consultations are completed, the government will accept the recommendations and priorities that communities have suggested to Mr. Lord. Is that correct?

[*English*]

Senator LeBreton: We would expect that former Premier Lord will take this special adviser role seriously. We will not set him cross-country to speak and consult with people, then not follow his advice.

It only follows that when he submits his report, since we sought his advice, that we would follow his advice.

• (1450)

NATIONAL DEFENCE

COST OF LIVING DIFFERENTIAL

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. This question concerns the Department of National Defence.

Fifty years ago, my father, as a staff sergeant, had to take on two extra jobs to be able to feed a family of three in the Canadian army. In 1997, corporals and privates took on extra jobs because they could not feed their families, either. We then entered a series of quality of life increases that were brought in by the previous government.

One of the pillars of that program was the cost of living differential. As a result, troops posted every two to four years across the country are permitted, in high cost of living areas, to receive a supplement to be able to standardize their income. That program is now being cancelled. I would be keen to know what sort of cost-savings exercise required the government to cancel such a significant funding program for military families?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will have to take part of the question as notice. Within the last week or so, this government has announced pay increases for the Armed Forces. I do not know precisely what Senator Dallaire is referring to, but I will be happy to take his question as notice.

Senator Dallaire: Honourable senators, I acknowledge the pay increases. The public service receives pay increases as well, and we thank the government for that.

The government has been so supportive of the troops in the field. The problem is, one can imagine the guy sitting on the lines in Kandahar receiving an email from his wife saying he just lost 1,000 bucks a month in pay because we have chopped this program.

Is there an exercise of cost-cutting happening in the Department of Defence? Is it possible that, at a time when the government has announced so many increases, they are actually reducing their budget, or has there been a cut this fiscal year for the Department of Defence?

Senator LeBreton: Honourable senators, I am at a loss. I am not aware of any soldier sitting on the front lines in Kandahar receiving a letter saying that we have cut his pay.

I have no idea what Senator Dallaire is referring to, so I will take the question as notice. Officials will obviously have the honourable senator's comments from the chamber, and the Department of National Defence can respond appropriately.

AFGHANISTAN—TREATMENT OF DETAINEES

Hon. Jane Cordy: Honourable senators, this government denies that it covered up evidence of Afghan authorities abusing and torturing prisoners captured by Canadian soldiers, this despite new documents showing that the government knew of the abuse last spring.

This is a government that pretends to see nothing, to hear nothing, to know nothing. This is another cover-up from a government that pretends to be open and accountable.

Would the Leader of the Government in the Senate tell us why this government continues to cover up incidents, even when documentation will prove their existence?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I actually do not know to what Senator Cordy is referring.

On the issue of Taliban prisoners in Afghanistan, an arrangement in May, as I reported here before, improved upon arrangements made by the previous Martin government in December 2005 regarding the transfer of detained Taliban prisoners and insurgents. This arrangement makes explicit Afghanistan's obligations and includes a provision that Canada and the Afghanistan Independent Human Rights Commission have full and unrestricted access to any prisoner Canada has transferred. The arrangement has been working well.

When allegations are made, there is a process in place to deal with these allegations. During a recent visit, Canadian officials did see a Taliban prisoner in conditions that concerned them — there was no cover-up — and this matter is being investigated according to the arrangements we have with the Afghan government.

Senator Cordy: Honourable senators, according to documents, the government knew about the allegations of abuse last spring. Senior ministers were denying evidence of the abuse while at the same time officials were in Afghanistan obtaining information about the mistreatment. When will this government be up front with Canadians and let Canadians know what is going on?

Senator LeBreton: Honourable senators, I believe I have just answered the question. The government has strengthened the sound arrangements made by the previous government.

• (1455)

There are many news stories of alleged abuses. When allegations are made, there is a process in place to deal with them. In one case, the conditions were such that they concerned officials, and this is being investigated in accordance with the strengthened arrangements we have made with the Afghanistan government.

We take our international obligations very seriously. Clearly, there are challenges in Afghanistan. Canadian Forces personnel, our diplomats and aid workers, alongside their counterparts from other countries and the Afghan citizens themselves, are working to address these issues.

The protocols that are in place are working. We would not want to leave the impression that we are making accusations against our Canadian Forces — or anyone there working on behalf of Canada — that they are in any way involved in the torture of Afghan prisoners.

[*Translation*]

LEGAL AND CONSTITUTIONAL AFFAIRS

STUDY ON SUPREME COURT RULINGS

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, Senator Fraser. I notified the chair last week that I would be asking her a question.

For a number of years, as a result of Supreme Court of Canada decisions, actions that the federal government must take have been accumulating.

Does the Chair of the Standing Senate Committee on Legal and Constitutional Affairs plan to make a systematic review of these decisions and, if so, how is the work going?

Hon. Joan Fraser: Honourable senators, I thank the senator for the question. It is an extremely important question, because Supreme Court decisions are the highest law of the land, except for the Constitution. However, honourable senators are aware that our committee, the Standing Senate Committee on Legal and Constitutional Affairs, can study only what the Senate orders it to study. The Senate has not entrusted the committee with a mandate to conduct such a study. God knows that such a study would be very valuable and falls perfectly within the parameters of our usual studies, but for the time being we have no mandate for a study.

However, honourable senators know that there is a huge number of bills, especially government bills, that will have to be referred to our committee. Bills, particularly government bills, always take precedence over studies.

That said, I believe that the question deserves a follow-up. Certainly, I will consult the members of the committee for their opinion on this, and in the meantime, I can ask the Library of Parliament to prepare a list of these Supreme Court decisions and the actions that have been taken in response to these decisions.

Senator Nolin: With your permission, honourable senators, I would like to draw your attention to the rather broad mandate of this committee. The *Rules of the Senate* lists a series of responsibilities that include law reform. I believe that the committee — you will discuss this among yourselves — should maintain an ongoing list of decisions and actions to be taken by the government and should report to the Senate more regularly.

I would like to draw honourable senators' attention to something that happened yesterday at the Special Committee on Anti-terrorism. The Minister of Justice agreed — and we must thank him — to move an amendment to a bill relating to a decision that dates back to 2002.

• (1500)

Five years ago the Supreme Court invalidated part of a section of the Criminal Code, and it was Senator Baker's speech at second reading that brought this issue to the attention of the Department of Justice. Yesterday, the Minister of Justice said that he would amend the bill.

I think something is not working properly. I believe it is our job and that of the Standing Senate Committee on Legal and Constitutional Affairs to draw the attention of senators — and the government, we hope — and to take action when parts of a section are invalidated.

Senator Fraser: It is very important to do this type of thing in the Senate. I will speak about it with the members of the committee.

I would like to say that I am very sorry that Senator Nolin is no longer a member of our committee. It was a rewarding experience for everyone in committee to share in his wisdom and common sense.

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on November 22, 2007, by Senator Carney regarding Fisheries and Oceans, Peggy's Cove Lighthouse.

FISHERIES AND OCEANS

PEGGY'S COVE LIGHTHOUSE

(Response to question raised by Hon. Pat Carney on November 22, 2007)

> During the weekend of November 3-4, 2007, tropical storm Noel struck Atlantic Canada with hurricane force winds that peaked at 135 kilometres an hour, heavy rains, and waves measuring as high as 10 meters. While damage was not as widespread as Hurricane Juan of 2003, there was significant damage, particularly in certain coastal regions. The Peggy's Cove Major Shore Light, officially referenced as the Peggy's Point lighthouse, suffered some damage during the storm.

Damage Reported:

- A seaward side window of the lighthouse structure was smashed which caused some water infiltration inside the building. The window has been replaced. Departmental officials have assessed the interior of the building and have noted no further damage.
- A concrete walkway that contained the conduit carrying the electrical power for the tower was destroyed by wave action. The storm forces relocated the walkway about 20 feet off its base. There is presently no electrical power to the building. Current preliminary estimates to carry out repairs are in the $30-50K range.
- The storm also caused considerable undermining to the face of the parking lot with the asphalt collapsing in several areas. The parking lot is not on DFO property.

Steps Taken:

- Canadian Coast Guard staff has installed a temporary replacement solarised light. Early feedback from local mariners is that it is sufficient and they are pleased with the quick action.
- The operational requirements as an aid to navigation are being met.
- A more detailed "levels of service" consultation will take place and any future modifications to Peggy's Point light will take place based on that consultation.

During the summer months, Canada Post Corporation (CPC) operates a post office in the lower portion of the lighthouse tower under license from Fisheries and Oceans. The operation is typically in place from Victoria Day to Thanksgiving weekend. The Post Office had been closed for the season prior to the storm. Canada Post officials are aware of the damages to the lighthouse and are currently assessing their future needs for this facility.

[*English*]

ORDERS OF THE DAY

INCOME TAX AMENDMENTS BILL, 2006

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Stratton, for the second reading Bill C-10, An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act.

Hon. Grant Mitchell: Honourable senators, I rise to speak on behalf of my caucus on the matter of Bill C-10. I actually find myself acting out of character because I think I agree with this bill in principle.

Some Hon. Senators: Hear, hear!

Senator Mitchell: I make that very clear — an established fact that I do repent; I am acting in pure objectivity as I always do.

However, I do not want honourable senators to get too carried away because I do have some concerns about this bill. I agree with the premise of the proposed legislation that was established by the Leader of the Government in the Senate when she said that this bill makes a contribution to greater fairness in the tax system. As I analyzed the bill, I concluded that it does make a contribution to greater fairness in the tax system. Where we might disagree is on the magnitude of that contribution.

I understand the contribution is made because it limits, to some extent, the degree to which Canadian taxpayers can utilize off-shore, non-residence trusts or other foreign investment entities to avoid paying taxes in Canada that they might otherwise pay. A great deal of progress had been made in that regard by the previous government, but it strikes me that this bill adds to that to some degree.

Having said that, there are some significant and substantive technical concerns with this bill. I have been in discussion with Senator Goldstein, who had confirmed my suspicion in that regard; and I have a letter from a partner with the law firm Thorsteinssons from Toronto, which argues very clearly and eloquently that there is a potential difficulty with the way in which this bill has been written. I am referring to a letter from Paul Gibney of that firm.

In his letter, Mr. Gibney refers to an article by a partner of his in the same firm, James Murdoch, in *Taxation Law*, dated February 2007, regarding discretionary trusts and the FIE rules. I will just refer to that article. This is an interesting example that needs to be considered and hopefully will be given ample consideration by the committee.

> Take the hypothetical case of little Emily, 3 years old, born and resident in Canada. Her grandfather, a wealthy man in Hong Kong, has established a discretionary trust for the benefit of his grandchildren. . . . Emily is his only grandchild in Canada, there are 25 others in Hong Kong and elsewhere. The trust was settled with, and has a "cost amount" of $100 million. . . . On the termination date, the trustees must distribute any capital remaining at that time among the beneficiaries then alive in equal shares per capita.

As the author indicates, that is a critical step.

> As there is a possibility of a trust distribution in the future otherwise than as a result of an exercise of discretion. . . . Emily appears to have a specified interest in the trust. As there are no other Canadian- resident beneficiaries, there will be no other taxpayers who can be identified in prescribed form to reduce her designated cost.

She essentially would have to bear the burden of the entire tax cost and she might well never receive anything out of this trust. Even if she did, it is certainly very unlikely that she would receive any amount that would come close to covering the tax bill in this trust.

That is one example of a technical issue. There are other examples that I understand have been brought to the attention of members of the committee. I encourage them to consider those issues in their deliberations, and I am sure they will.

It is not that anybody would resist making the tax system fairer. In fact, in this case, most of us could agree that reducing the ability of certain segments of the population to avoid taxes in a way that is not accessible to others would be seen to be an enhancement in the fairness of the tax system. However, it must be done properly and this is a complex area. Therefore, we should all be thankful that we have a remarkable Senate committee that can give this matter the sober second thought it deserves and hopefully enhance the process and to ensure that it works properly.

Having said that, I do generally disagree that this bill will have the magnitude of impact on the tax regime, and the magnitude that Senator LeBreton would have construed it as having on the overall enhancement of the tax system in Canada. I believe that this is a very small bill. I believe that the tax system in Canada could be restructured in many significant ways to achieve much larger, more visionary things that could truly enhance the quality of Canadians' lives more generally and address those major issues that are facing Canadians today.

For example, I see that this bill, as limited as it is, does absolutely nothing to offset the failure of the cut in GST to enhance productivity in our economy. Productivity remains a serious issue in our economy, and the tax structure can be modified. Altered tax policy can, in fact, be utilized to address productivity, but this bill does not do that; and it certainly does not compensate for the lost opportunity in restructuring the tax system for productivity that we saw in the cuts to the GST.

Moreover, this proposed legislation does not in any way, shape or form assist the poor in a way that a properly structured tax regime could. Poverty is a significant issue in this country. While it looks as if, over the last several years at least, general poverty has been reduced, child poverty has not.

Once again, we are looking at an $11 billion a year cut in GST revenues. Such cuts will not do anything for productivity or for the poor. This bill does not compensate for or address those kinds of issues, and that is disappointing.

This bill also does nothing to address what might be construed as a bias against women in our tax system. There are several ways in which the fiscal regime under this government is biased against women. This tax initiative, one of a relatively limited number of tax initiatives by this government, does absolutely nothing to address that important issue that languishes somewhere at the bottom of this government's agenda.

This government is missing the opportunity, once again, to structure tax policy in a way that could motivate individuals and businesses in Canada to do something about climate change, to restructure the way they do their businesses, the way they conduct their lives to contribute to the reduction in carbon output and greenhouse gases. There is ample opportunity within the tax structure to create incentives. Among the many others would be the idea of tax neutral shifting of tax applications to discourage environmentally destructive initiatives and to encourage investment in technology to boost income. We could do that in a tax neutral way. We see none of that in this bill. In the absence of anything else, this is about as much as they have, but it is nothing when it comes to addressing significant issues.

• (1510)

We see nothing that addresses the issue of municipal finance — some form of structured, dependable way of financing our municipalities. Many of us subscribe to the Jane Jacobs theory that an economy is as strong as the economy of its cities. Our cities have serious infrastructural and revenue problems. Nothing in bills like this one or more generally in the government's tax structure policy has anything to do with addressing that important issue.

I know from personal experience, through a person who came to my office, about the problem of students being able to write off the interest on their student loans. They are able to write off only 17 per cent of it, whereas an individual who invests in his or her future by investing in a business can write off all the interest on those loans. There is nothing in Bill C-10 that addresses that important issue.

So, yes, I support the principle of the bill, as one can do at second reading, yet I see technical issues that need to be addressed, and I am certain those issues will be in committee. It is my view that Bill C-10 captures the essential element of what I see as lacking in this government. The government is focused — and at times it is okay to good — on the small, minuscule tinkering at the margins. The government is quintessentially Conservative because it is limited in its focus on what it can do as a partner with Canadians through government to build this country. If the government ever wanted to do tax policy properly, it should look at, among other things, tax policy that addresses the significant issues facing Canadians today, such as student financing, so our young people can get the education they need to become the future of this country and its role in the world. The government needs to address municipal finance so that we can have the significant engines of our economy functioning properly with the infrastructure that will support that economy. This government needs to address child poverty because that is, in many respects, a shame to each and every one of us who live in a country like Canada to still have such a level of child poverty. We have not yet applied Canada's wealth and privilege in a way that can solve such a corrosive problem in our society. The government's tax policy does not address the environment in the way it should, and it needs to do that. I could go on.

Honourable senators, Bill C-10 reflects what is wrong with this government — its narrow focus and perspective. There is so much more the government could do with tax policy, among other policies, to address the issues confronting Canadians. These issues could be driven by a great vision to make this country even better than it is today and take an even greater leadership role in the world than two or three years ago when this government took over.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Terry Stratton moved second reading of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

He said: Honourable senators, I am proud to speak today, at second reading of Bill C-2, which deals with the very important issue of violent crime.

Canadians are worried about how much crime, especially violent crime, there is in their communities. They tell us that they want the federal government to tackle violent crime so that citizens are protected from dangerous offenders who threaten their safety.

[*English*]

Bill C-2 responds to serious issues that both affect public safety and directly impact on Canadians' confidence in the criminal justice system. This, in my view, is what we see reflected in the preamble to Bill C-2, which says, in part — and I quote:

[*Translation*]

> Whereas Canadians are entitled to live in a safe society;
>
> Whereas the Parliament of Canada is committed to enacting comprehensive laws to combat violent crime and to protect Canadians while respecting and promoting the values reflected in, and the rights and freedoms guaranteed by, the Canadian Charter of Rights and Freedoms;

[*English*]

The proposed Tackling Violent Crime Act reintroduces five criminal law reform bills that died on the Order Paper with prorogation. As a package, Bill C-2 underscores the government's commitment to tackle crime in four key areas: serious gun crimes, cracking down on drug and alcohol impaired driving; protecting youth against sexual predators; and better protecting all Canadians against dangerous and repeat violent offenders.

In respect of the first area, gun crimes, Bill C-2 tackles serious gun crime by strengthening the bail regime and by providing tougher mandatory minimum prison sentences. Bill C-2 changes the bail regime in the following way: An accused charged with a serious offence involving a firearm, including, for example, attempted murder and sexual assault with a weapon, would be required to demonstrate that his or her release on bail would not pose a threat to public safety or that it would not result in his or her failure to appear in court to face the charge.

Bill C-2 also expands the factors that a bail court must take into consideration in deciding whether detention of the accused pending trial is justified in order to maintain confidence in the administration of justice. Specifically, the court must consider if a firearm was used in the commission of an offence and if the accused faces a mandatory minimum penalty of imprisonment of three years or more for a firearm offence.

Bill C-2 tackles gun crime by legislating escalating mandatory minimum sentences of five years on a first offence and seven years on a second or subsequent offence for eight serious offences committed with a restricted or prohibited firearm or in connection with organized crime, which includes gangs. The eight offences are as follows: attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery and extortion.

As well, Bill C-2 puts in place increased mandatory minimum penalties of three years on a first offence and five years on a second or subsequent offence for offences that did not involve the actual use of firearms, such as firearm trafficking or smuggling or the illegal possession of a restricted or prohibited firearm with ammunition.

• (1520)

The second key area is impaired driving. Bill C-2 proposes long-overdue reforms to address impaired driving, which unfortunately remains a serious problem in Canada. The bill does so in three ways: First, it addresses drug impaired driving by proposing the necessary legislative framework for the drug recognition expert, or DRE program. These reforms would permit police to demand roadside physical sobriety tests. Where those tests reveal impairment, but the person is not impaired by alcohol, police could then demand that the person perform other tests administered by a drug recognition expert and to provide a sample of body fluids to be analyzed for the presence of a drug.

Second, Bill C-2 simplifies the investigation and prosecution of the offence of impaired driving. It will restrict "evidence to the contrary" to scientifically valid defences; in other words, absent evidence that the instrument used to measure blood alcohol concentration, or BAC, malfunctioned or was the subject of operator error, a court could not accept testimony by the accused of low alcoholic consumption. For example, if the accused had only consumed two beers, that that would have given the person a BAC reading below 80.

Third, Bill C-2 proposes procedural and sentencing charges. These changes include creating new offences of being "over 80" or refusing to provide a breath sample where the person's operation of the vehicle has caused bodily harm or death.

The third key area pertains to the age of protection. I am sure honourable senators will agree me that all violent crime is to be abhorred. There can be no doubt that the spectre of the harm posed to our children and grandchildren by sexual and other dangerous offenders causes a fear unlike any other. As parents

and grandparents, as spouses and as neighbours, I am sure we all share the same concern and the same motivation to protect and safeguard those near and dear to us. As parliamentarians, our duty to protect all Canadians against such harm can be no less. This is what the balance of reforms in Bill C-2 address.

Bill C-2 proposes criminal law reforms that will finally say no to adult sexual predators who seek to sexually exploit young, vulnerable persons. The bill proposes to increase the age at which young persons can consent to engage in sexual activity with another person aged 14 to 16 years. Once Bill C-2 comes into force, there will no longer be any doubt. A crime of sexual assault will have been committed whenever an adult five years or more older than a 14 or 15-year-old engages in sexual activity with that young person.

Importantly, Bill C-2 includes a close-in-age exemption to prevent the criminalization of consensual sexual activity between teenagers; that is, between the 14 or 15-year-old and a partner less than five years older.

This proposed legislation also provides two other exceptions for 14 and 15-year-olds who are married to a partner who is five years or more older or with whom they are already living in a defined common law relationship when the new age of protection comes into force.

The fourth key area relates to dangerous and high-risk offenders. Bill C-2 proposes reforms to address dangerous and repeat violent offenders. These proposals are designed to address concerns with respect to the ability of police, Crown prosecutors and the courts to sentence and manage the threat posed to the general public by individuals of very high risk to re-offend sexually and violently.

Under Bill C-2 where an offender is convicted of a third sufficiently serious offence, the Crown must formally advise the court that they have considered whether to bring a dangerous offender application. This "declaration" requirement is intended to ensure more consistent use of the dangerous offender sentence by Crown counsel in all jurisdictions, although it is certainly not intended to be binding on either the Crown or the court. Bill C-2 does not seek to arbitrarily fetter the discretion of the Crown or the court.

Where the Crown decides to bring such an application, an offender convicted of a third "primary designated" offence will be presumed to be a dangerous offender unless he can prove otherwise. This list of triggering offences is deliberately narrow and proportionate, reflecting the 12 most serious and dangerous offences that commonly trigger a dangerous offender destination.

Bill C-2 also proposes reforms to ensure that persons designated a dangerous offender are appropriately sentenced. Under this bill, wherever the offender is held to meet the dangerous offender criteria, he must be designated as a dangerous offender and this designation is for life. Bill C-2 would then require the court to impose an indeterminate sentence unless it is satisfied that the offender can be managed under a less severe sentence. As a result, it will be more difficult for offenders to escape the dangerous offender designation.

When a dangerous offender is given a lesser sentence, such as a long-term supervision order, Bill C-2 would make it easier to deal with such an offender who breaches a condition of that order before he commits another serious or violent offence. Specifically, where such an offender is convicted of breaching a condition of his long-term supervision order, for example, for breaching its curfew, alcoholic prohibitions or treatment conditions, he could be brought back for a new dangerous offender hearing. He will be given an indeterminate sentence unless the court is satisfied that the offender can still be managed under a lesser sentence.

Bill C-2 also proposes to double from one to two years the duration of the Criminal Code's peace bonds or protective court orders against offenders who have been previously convicted of a sexual offence against a young person, under the higher age of protection of 16 years also proposed by Bill C-2, or of a serious personal injury offence.

In addition, Bill C-2 would provide specific authority for the court to include conditions in these peace bonds that the court considers desirable to secure the good conduct of the defendant including, for example, regarding curfews, electronic monitoring, drug and alcohol prohibitions and treatment, as well as any other condition that the court feels is necessary to ensure public safety.

Honourable senators, Bill C-2 proposes an extensive set of criminal law reforms, the objective of which is to better protect Canadians in their homes and their communities.

I believe that public safety is a priority issue for all, and thus urge all honourable senators to support the passage of this bill.

Hon. John G. Bryden: Honourable senators, I do not wish to debate at the moment, but I want to make a comment. I was late for the beginning of Senator Stratton's speech, but I heard most of it. I will read it with interest and with very careful analysis. The old-fashioned winters are back which is why I am late.

With that, Mr. Speaker, I would like to take the adjournment of the debate.

Hon. Pierre Claude Nolin: Honourable senators, the Minister of Justice and the Prime Minister spoke about no amendments to this bill. Will we study the bill and will amendments be accepted or will we be able to introduce amendments if we see fit?

Senator Stratton: The responsibility of this chamber is to examine the bill in detail and judgments will be made thereafter.

Hon. Joan Fraser: Honourable senators, a reference is made in the bill to the exception for sexual relations of people more than five years older than the 15 or 16-year-old. An exception is to be made if the teenager is married to the older person. I realize that this subject is beyond the purview of this bill and raises other issues, but I cannot let the matter go without asking if the honourable senator believes it is appropriate for persons aged 14 to be married in this country.

• (1530)

Senator Stratton: As Senator Nolin has pointed out, marriage is a provincial jurisdiction. Regarding my personal beliefs about 14-year-olds marrying, I am not going there.

On motion of Senator Bryden, debate adjourned.

NATIONAL BLOOD DONOR WEEK BILL

THIRD READING

Hon. Claudette Tardif moved third reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Eggleton, P.C.*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

Motion agreed to and bill read third time and passed.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mira Spivak moved second reading of Bill S-221, An Act concerning personal watercraft in navigable waters. —(*Honourable Senator Spivak*)

She said: Honourable senators are being asked for the sixth time to consider this bill for second reading. This chamber has already granted its predecessor bills third reading on four occasions: October 2003, May 2004, November 2005 and June 2007. I am nothing if not the champion of lost causes.

From the outset, nothing of substance in this bill has changed, nor has anything changed in the way personal watercraft are used. If anything, these machines have only become more powerful and, in some circumstances, more dangerous to other users of the waterway and to the environment.

I was very pleased to see the second report of our Standing Committee on Rules, Procedures and the Rights of Parliament, which was presented last month and which proposes a mechanism for the reinstatement of bills from the previous session of the same Parliament.

Predecessor bills were introduced twice in the House of Commons, where they received the support of members of three of the four parties. A predecessor bill was not introduced last June, as the House was in recess when we at length gave this bill third reading. As a result, the 60-day rule does not apply.

I sincerely hope that we will not see debate on our own proposed reinstatement rule adjourned and delayed to the point that we do not have the opportunity to vote on it. As one of many who, as Senator Keon observed, have felt "some frustration" at having to reintroduce, re-debate and re-study a bill time and again, I sincerely hope senators will support the rule change.

Senators Carney's heritage lighthouse protection bill is now in its seventh incarnation. Senator Murray recently spoke to that bill, suggesting that to stall it again would be an affront to Parliament. He proposed clause-by-clause consideration in Committee of the Whole and an expedited third reading, or a pro forma reference to committee, where no more than one sitting would be required.

On this bill, Bill S-221, I would prefer clause-by-clause consideration in Committee of the Whole; however, of course, I would hope that any alternative method would be speedy.

Another parallel exists between the heritage lighthouse protection bill and the personal watercraft bill. The former creates a process through which public opinion may be brought to bear on the government with regard to the designation and protection of lighthouses.

Bill S-221 creates a mechanism through which community opinion may be brought to bear on the government's designation of areas where personal watercraft may be used. Local knowledge of local waters can determine where PWCs are safe to use and where they pose too great a hazard to safety or to the environment.

Both are populist bills. Both recognize that communities have wisdom deserving of the respect of official Ottawa.

I sincerely hope honourable senators also believe that it will be in the best interests of this chamber to respect the considerable time and energy that many speakers, witnesses and committee members have devoted to this bill and that honourable senators will send Bill C-221 expeditiously to the other place.

On motion of Senator Comeau, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Catherine S. Callbeck: Honourable senators, although this bill stands in Senator Comeau's name, he has agreed that I may speak at this time and adjourn the debate in his name.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Provided I have the 45 minutes.

Senator Callbeck: I shall be very brief.

The Hon. the Speaker: Senator Comeau is asking that he be continued to be recognized as the second speaker and has the 45 minutes, and so he is yielding to Senator Callbeck with that understanding.

Is that agreeable, honourable senators?

Hon. Senators: Agreed.

Senator Callbeck: Honourable senators, I want to speak briefly on Bill S-215, Senator Carney's legislation regarding the protection of heritage lighthouses.

As we all know, this bill provides for the protection and preservation of federally owned lighthouses by designating them as heritage lighthouses, and ensures public consultation and

public notice before changes are made to the structures. Finally, the bill requires that all lighthouses designated as heritage sites must be properly maintained.

I support sending Bill S-215 to committee for study as quickly as possible. This legislation, in similar forms, has been introduced in the Senate more than five times since 2002. However, each time, its progress has been disrupted by elections or prorogations, leaving the bill to die on the Order Paper and needing to be reintroduced again and again.

Coming from a province like Prince Edward Island, surrounded by water, we Islanders well understand the vital importance of our lighthouses. They have served as beacons of safety to wayward sailors, leading them to their home ports, not only in my province but in coastal areas across the country.

In my home province of Prince Edward Island, more than 50 lighthouses dot the landscape. They are an integral part of Prince Edward Island's story. I should like to point out that lighthouses are even playing an important role in the economic development of our rural areas. These lighthouses serve as symbols of maritime life; some have even been transformed into tourist destinations, allowing Islanders to share their stories with people from away.

For example, the lighthouse in West Point, Prince Edward Island's tallest lighthouse, offers an inn, restaurant and museum. Point Prim is the location of Prince Edward Island's oldest lighthouse, where visitors can climb 80 feet to the top of this unique round brick lighthouse.

• (1540)

The Cape Bear Lighthouse houses one in seven Marconi wireless stations. It is believed to be the first Canadian land station to receive distress signals from the *Titanic*.

There is certainly a lot of history to be explored in our Island lighthouses.

Honourable senators, our lighthouses stand as proud testament to our history as a country. They are part of our shared heritage and we should do what we can to preserve that heritage. I hope that this bill can be referred for study by committee as quickly as possible.

Hon. Lowell Murray: Honourable senators, I take it that the Deputy Leader of the Government will move the adjournment of the debate again. I hope he listened, as I am sure he did, with respectful attention to Senator Callbeck's speech — especially her point about the importance of lighthouses in bringing wayward sailors home. I am sure the honourable senators knows some wayward sailors in his own part of Nova Scotia and will agree that it is something to be devoutly wished.

Because I offered the other day to help Senator Comeau with his speech and he has declined so far, can the honourable senator give us a bit more specificity about the date of his own intervention? I should say that Senator Carney's trade is that of a writer and she, too, would be willing to contribute a few one-line zingers for his consideration.

Senator Comeau: I wish to thank Senator Murray for his offer. I listened carefully to Senator Callbeck's comments and especially the value of lighthouses to sailors. However, I would like to remind Senator Murray that this bill has nothing whatsoever to do with protecting lighthouses, which are there to serve the protection of sailors. This bill is about heritage lighthouses. I think Senator Murray knows that I have been around long enough to tell the difference between a lighthouse that is there to protect wayward sailors and a lighthouse that is there as part of heritage.

On the issue of heritage lighthouses, which is what this bill is all about, we do have —

The Hon. the Speaker: Honourable senators, I am afraid that, while interesting, we are flipping beyond the normal procedures of debate. This is Senator Callbeck's time. We are now at debate and we hear no debate. I take it to be the intent of the house that the matter will stand adjourned in the name of Senator Comeau. Is it agreed?

Some Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Dallaire, for the second reading of Bill S-204, An Act respecting a National Philanthropy Day.—(*Hon. Senator Champagne, P.C.*)

Hon. Andrée Champagne: Honourable senators, I ask for your indulgence. I did not realize that we were so close to the end of the time allowed this item would be on the Order Paper and Notice Paper and I would very much like to participate in the debate. I wish to adjourn the debate in my name in order to speak in the next few days.

The Hon. the Speaker: Honourable senators, Senator Champagne is seeking the leave to adjourn the debate in her name for the time remaining. Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Champagne, debate adjourned.

[*English*]

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Day, for the second reading of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water). —(*Honourable Senator Cochrane*)

Hon. Ethel Cochrane: Honourable senators, I realize that this is the thirteenth day. I wish to ask for the indulgence of honourable senators and inform them know that I am still working on my text. Weather conditions — as Senator Bryden indicated earlier — and other items have interfered with my planning. I should like to have this bill adjourned in my name, if you could.

The Hon. the Speaker: It is moved by the Honourable Senator Cochrane that this item be adjourned in her name for the rest of her time.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

Order Stands.

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Serge Joyal moved second reading of Bill S-212, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Joyal, P.C.*)

He said: Honourable senators, I wish to use the opportunity this afternoon to speak in support of Bill S-212 in the context of the motion that appears on the Order Paper on page 8, on an inquiry that calls the attention of the Senate to the twenty-fifth anniversary of the Canadian Charter of Rights and Freedoms.

In the first session of the Thirty-ninth Parliament, Honourable Senator Segal drew our attention to the twenty-fifth anniversary of the Charter this year. He made a certain number of suggestions in his speech. On the Order Paper at page 19, under the heading of "Motions", No. 62 you will find a motion introduced by our colleague the Honourable Senator Andreychuk. It is most opportune that the motion calls the attention of the Senate to refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Canadian Charter of Rights and Freedoms as it applies to the Senate of Canada.

It is opportune, honourable senators, because it might be something unknown to some of you that the Charter of Rights does not apply to the employees of the Senate. Up to two years ago, following a recent decision of the Supreme Court in May 2005, the other place challenged that even the Canadian Human Rights Act was applicable to the employees of the Parliament of Canada.

It is surprising that, after so many years of implementation of the Canadian Charter of Rights and Freedoms for all Canadians in all provinces and territories, and with all the protection that the courts have been able to identify in support of and to the benefit for Canadians, if there is a group of Canadians that should find the same kind of protection as average Canadians it would be employees of Parliament.

How did this issue come to the knowledge of the court? Why do we find ourselves in that situation today? I remind you, honourable senators, that this stemmed from a case introduced in the other place by Mr. Vaid. Mr. Vaid was the former driver of a previous Speaker in the other place whose employment was terminated. Mr. Vaid, a citizen of colour, claimed he was discriminated against. He filed a complaint with the Canadian Human Rights Commission, which studied his complaint, felt that it was worthwhile and sent the complaint to the Canadian Human Rights Tribunal.

When the Canadian Human Rights Tribunal received the complaint, the lawyer for the other place claimed that the Canadian Human Rights Act was not applicable because the positions of the employees of Parliament are privileged. What does that mean? It means that they are not protected by the same legislation as average citizens. Again, the lawyers for the other place claimed that it was no protection for any employees of Parliament.

• (1550)

How many employees of Parliament are there? Honourable senators, there are approximately 5,000.

I will give you the categories of those employees. It will call up some memories in your minds.

In the Library of Parliament, there are 400 employees. The Senate employs 605 people. The House of Commons has 2,033 employees. The MPs themselves have 1,927 employees. The total is 4,965 employees. That number does not include the contractual employees.

What was the allegation in the other place in relation to the employees of Parliament? The other place claims that the Canadian Human Rights Act, directly, or indirectly does not protect 5,000 employees. That was the position taken by the lawyers of the other place.

Some senators on both sides of this chamber were very concerned with that case because, as you know, a decision of the court binding on the status of the other place has an immediate application in this place. We were concerned that the court would deliberate on such a question without this chamber having the possibility to argue our principal position.

What was our principle position? It was that in fact the Canadian Human Rights Act should protect most of the employees of Parliament. Why? We feel that the Canadian legislature, which, through our day-to-day deliberations, has the responsibility to ensure that the Canadian Charter of Rights and Freedoms and the Constitution are respected. They must be above any suspicion. We must ensure that we are an exemplary chamber in relation to the protection of the basic and fundamental human rights of any employees of this Parliament.

Some senators thought we should go to the Supreme Court and plead our case inasmuch as the other place went to the Supreme Court of Canada to plead its case.

Senator Jaffer and I sought the status of intervenor in the Supreme Court and went there to plead our case. It seems to be a fair principle to allege that the Canadian Human Rights Act is applicable to the employees of Parliament.

What did the Supreme Court decide? The Supreme Court decided that, yes, the Canadian Human Rights Act protects most of the employees of Parliament. However, the Supreme Court stated that if they want to seek redress, they must go through the grievance procedure that is contained in an act of Parliament called the Parliamentary Employment and Staff Relations Act. The act addresses the labour status of the employees and staff of Parliament and was adopted in 1985 by both Houses and, of course, it is a statute of our Parliament.

In other words, if an employee such as Mr. Vaid, former driver of the Speaker, alleges discrimination, he or she must go to the grievance procedure of the Parliamentary Employment and Staff Relations Act. In its unanimous decision, the Supreme Court — and it was a nine-bench decision, very compelling in terms of its decision — went to great lengths to define the employees that are privileged.

What do we mean by that constitutional jargon? An employee who is privileged is an employee who cannot go to court to seek the redress that an average citizen would have of the benefit of the protection of the court. The Supreme Court decided that there are some employees of Parliament who are privileged; they are so closely associated with the deliberative and legislative function of the chamber that if they have a grievance they cannot go to court to seek redress.

The court identified the principle of how to define privileged positions in the Senate chamber or in the House of Commons chamber. The court gives some examples, such as the clerks. We have three clerks at the table. There are many more clerks in the staff of the Senate. The court identified the clerks of the Senate because they are closely associated with our deliberative and legislative function on a day-to-day basis; but the security guards in the corridors at the front and back of this chamber are not privileged because they are not closely associated with the deliberative and legislative function of the Senate.

The same is true of your employees, secretaries and assistants. They are not directly linked to the deliberative and legislative function of the Senate. In other words, the court adopted a very restrictive definition of the privileged position in the Senate. They did not want to include, as the other place argued, the 5,000 employees of Parliament. For instance, in the court's mind, the parliamentary restaurant employees are not directly associated with the deliberative and legislative function of the Senate. They might be essential to us because we need to eat three times a day to assume our legislative and deliberative function, but they are not directly linked to the deliberation per se.

You will understand that the court saw the problems but created another problem, I would say almost bigger than the one that it tried to solve. What is the problem? By stating that the employees of Parliament are protected by the Canadian Human Rights Act, but by channelling the grievance of those employees under the Parliamentary Employment and Staff Relations Act, they immediately open up the question of the process of protection for a grievance under that act. In the Canadian Human Rights Act, a person who has a grievance — for example, a public service employee based on discrimination — has another protection, well established by our own Parliament in 2003, in the Public Service Labour Relations Act. When a member of the public service feels discriminated against, he or she can file a grievance procedure under the Public Service Labour Relations Act. This act, which is recent — 2003 —, provides very clearly that the Canadian Human Rights Commission can intervene in support of the employee, take a formal stand in the grievance and even support compensation and reinstallation of the employee with expenses and so on.

In other words, if you are an employee of the public service, you are well protected, but if you are an employee of Parliament, you do not enjoy the same protection as the employees of the public service.

In the first initiative that I discussed with Senator Andreychuk, we agreed that we should look into amending the Parliamentary Employment and Staff Relations Act to give to our employees the same protection as enjoyed by employees of the public service. It seems to make sense that if the Human Rights Commission can intervene to support an employee of the public service, from whatever department, the same commission should be open to intervene in support of an employee of Parliament, whether a member of the security force or of any of the other related services of Parliament.

That left the questions open, as raised in the motion of Senator Andreychuk that we have to take into account the other aspects of how to implement in this chamber and the other chamber the Canadian Charter of Rights and Freedoms. The court has stated very clearly that it is not to the court to decide how that will be done. In other words, if a member of the staff of the Senate who occupies a privileged position feels that he or she is discriminated against, that person cannot appeal to any court, cannot appeal to the Human Rights Commission, and cannot appeal to the Parliamentary Employment and Staff Relations Act. The person is left with absolutely no recourse, except to raise the issue in the paper to make a case, or try to file a petition through letters to honourable senators in the chamber to seek redress.

• (1600)

I welcomed Senator Andreychuk's calling upon the Senate to refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada in the first session of this Parliament. We had discussions in the first session of Parliament, honourable senators, and at that time, we agreed at second reading on the bill I am proposing today. We agreed with Senator Andreychuk's motion and sent the bill to the Standing Committee on Rules, Procedures and the Rights of Parliament. We hope that the committee will look into the matter and come back to us with a recommendation on how to act in order to correct the vacuum that exists since the Supreme Court of Canada ruling in the *Vaid* case more than two years ago. It is extraordinary that, after 25 years of the Charter of Rights and Freedoms in Canada, we find ourselves more or less in a vacuum in relation to the Charter and Canadian human rights. This is not the way we like to appear as the Parliament of Canada and as an exemplary chamber.

Honourable senators, that is the substance of the bill I am introducing at second reading today and my support of the motion brought forward by Senator Andreychuk. Thank you, honourable senators.

On motion of Senator Andreychuk, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-213, An Act to amend the Criminal Code (lottery schemes).—(*Honourable Senator Tkachuk*)

The Hon. the Speaker: Honourable senators, I wish to advise that the Honourable Senator Massicotte had made a written declaration of private interest regarding Bill S-213, An Act to amend the Criminal Code (lottery schemes), which is currently before the Senate. In accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

Order stands.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On Order No. 5, Commons public bills:

Second Reading of Bill C-299, An Act to amend the Criminal Code (identification information obtained by fraud or false pretence).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have not had the chance to prepare my speech on this matter. I would like once again to adjourn the debate in my name.

Order stands.

[*English*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRD REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*—questions of privilege and points of order), presented in the Senate on November 20, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: Honourable senators, I move adoption of this report.

Honourable senators, the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament was first presented to the Senate in the first session of the Thirty-ninth Parliament as the fourth report of the Rules Committee. It had been debated but not come to a decision. The third report recommends amendments to the *Rules of the Senate* with respect to the question of privilege and points of order.

Honourable senators, you will recall that on October 26, 2006, the Speaker delivered a ruling dealing with the process of raising questions of privilege in the chamber and the level of detail required in the written and oral notices to raise a question of privilege under rule 43. The Speaker ruled that notice of questions of privilege should clearly identify the issues that will be raised as a question of privilege. In delivering this ruling, the Speaker noted an apparent inconsistency between rules 43 and 59(10) insofar as the two provisions deal with the notice required for question of privilege.

The Speaker also noticed that, while some of the *Rules of the Senate* and operating documents might be interpreted differently, a careful reading of the *Rules of the Senate* provides that Senators' Statements are not part of Routine of Business and, as such, points of order could be raised during Senators' Statements.

The Speaker invited your committee to look into these matters. The report of the committee recommends three main changes to the *Rules of the Senate*.

First, in accordance with the ruling of the Speaker, the committee recommends that it be made explicit in the *Rules of the Senate* that notices for questions of privilege give senators an indication of the subject of the general nature of the issue to be raised.

Second, the committee recommends that rule 59(10) be deleted. As the Speaker explained in his ruling, this rule is linked to the pre-1991 provisions of the *Rules of the Senate*. The committee suggests, however, that the idea behind rule 59(10), which is to allow matters that occur during a sitting of the Senate be dealt with forthwith, be maintained, and recommends therefore to add a new subsection to rule 43 to provide for such cases.

Third, the committee recommends that the *Rules of the Senate* be amended in order to prohibit points of order during Senators' Statements, as it is already the case during Routine of Business and Question Period.

Rule 59 (10) has a history pre-dating the 1991 changes to the rules. Prior to 1991, the Speaker had no defined role in determining prima facie if a question of privilege had merit. These matters were left to the Senate itself to work out.

The Speaker's role, as defined in rule 43(12), is an innovation of the 1991 revision. Therefore, it is technically correct to argue that one interpretation of the rules as they stand now might be that a question of privilege raised under the conditions of 59(10), such as those raised in the heat of the moment to deal with an alleged breach of privilege during a sitting of the Senate, would not fall to the Speaker automatically for consideration of its prima facie merits. Consideration of its prima facie merits would not automatically fall to the Speaker.

• (1610)

Given the 16 years of experience with rule 43 and the institutional expectation that the Speaker would be asked to apply the test prescribed by the rules to determine the merits of a

question of privilege, it appears only proper to clarify matters by including the provision of 59(10) within rule 43 with the rest of the rules relating to privilege. This would also serve to clarify the role of the Speaker.

The provisions for considering a question of privilege acknowledge the importance placed on the protection of those privileges. Accordingly, we allow for these initial discussions to take place so they can be brought to our consideration promptly without having to wait for the usual notice period for the substantive motions.

If it is determined that there appears to be a breach of privilege, then a senator is permitted to move a motion immediately rather than putting their motion on the Order Paper. The role of the Speaker in assisting the Senate in that specific determination as to whether a breach of privilege appears to have been committed has been a reasonable way to resolve the question. This seems to be a sensible and orderly approach.

After careful consideration, the committee believes these changes are appropriate and necessary, and hopes that honourable senators will concur with the report.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Continuing debate.

Hon. Anne C. Cools: Will the honourable senator take a question?

Senator Keon: Yes.

Senator Cools: The honourable senator says that the initiative for these rule changes seemed to have come from the Speaker. I have no recollection of the Speaker leaving the chair to go to his seat to make a motion sending this question to the committee.

Would the Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament explain what process was used for the Speaker to refer this question to the committee?

Senator Keon: Honourable senators, I do not recall whether or not the Speaker made a motion. I know the Speaker referred this to the committee, or the Senate referred it to the Standing Committee on Rules, Procedures and the Rights of Parliament upon the Speaker's recommendation. I do not know, nor do I recall. I would have to review the documents. Once I have done so, I will inform the honourable senators.

Senator Cools: I do not know how the honourable senator will provide me with an answer.

My understanding of the process is that there is no method by which the Speaker can refer any matter to a committee. The Speaker of the Senate is, as we know, a different constitutional creature than the Speaker of the House of Commons. The Speaker is free at any moment to leave the chair to participate in debate and, as a full-fledged member of the Senate, he or she is free to make motions and act as a full-fledged senator.

The process for the Speaker is no different from that of any other member. I ask the honourable senator to keep that in mind.

I have another question.

Senator Keon: My interpretation, honourable senators, was that the ruling of the Speaker was taken under advisement by the Senate, and the Senate referred the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament. The ultimate authority lies with the Senate, not with the Speaker.

Senator Cools: I have another question. I observed in the committee proceedings that Mr. Charles Robert appeared before the committee as a witness. Could the honourable senator please tell me in what constitutional capacity Mr. Robert appeared if, as the honourable speaker says, all of this is at the motion of the Speaker?

Senator Keon: I believe Mr. Robert was simply giving expert advice; however, I do not fully understand the honourable senator's question. Is she referring to when Mr. Robert advised the committee?

Senator Cools: No, I am speaking about his appearance before the committee and making proposals on the record. In other words, was he appearing as a representative of the Speaker?

Senator Keon: I believe he was appearing as an adviser to the committee.

Senator Cools: Could the honourable senator tell me, then, what the difference was? If Mr. Robert was appearing as an adviser to the committee, how can you say that this entire matter has its origins in the Speaker's ruling?

There is a mysterious Speaker's ruling at play here: The Speaker makes a statement, the subject matter suddenly appears within the committee and the table officer appears as the only witness. I find all of this rather odd.

I do not think the honourable senator has understood or answered my question. I am not sure if Mr. Robert is an adviser to a committee. I view him as a member of our staff; as a table officer. If an adviser appears before a committee, he should not then proceed to speak as though he represents the Speaker. That is very odd. Perhaps we should review the matter.

Honourable senators, I am aware that the committee has its own initiative. I am aware that the Standing Committee on Rules, Procedures and the Rights of Parliament has a capacity, on its own initiative, to bring forth proposals. This was clearly not the initiative of the committee because the honourable senator has said as much in his remarks. Could the honourable senator perhaps review the matter?

Senator Keon: Honourable senators, I will review the matter. As Senator Cools has stated, the rules state that the committee has the capacity to bring forth a matter such as this on its own. I will retrace the steps of the process and try to inform the honourable senators as best I can.

Senator Cools: This is a most interesting situation, honourable senators. The Speaker cannot simply delegate anyone to appear before a committee to explain himself or his rulings. I have a few problems with that. It is crystal clear from reading the records that this proposal is not an initiative of the committee, but rather that it arises out of the Speaker's ruling. As a matter of fact, the

testimony of Mr. Robert relied almost exclusively on the Speaker's ruling. I find this an awfully odd constitutional phenomenon; one that I hope this committee will not make a practice of.

There is a set of ethical considerations which govern the table officers, and it is very difficult to debate those officers when they are not members of the Senate. From what the honourable senator is saying, I do not think any thought has been given to the situation. Perhaps the honourable senator could investigate and clarify this matter.

I am sensitive to the fact that the honourable senator is a new member of this committee. I also know his sterling record as a most honourable man. I am prepared to allow the honourable senator the time to investigate this matter. The honourable senator's presence in this place is one of the high points of this house.

Some Hon. Senators: Hear, hear!

• (1620)

Senator Cools: That is what I think of this man, Dr. Keon.

Senator Keon: I thank Senator Cools for her comments. I will retrace the process that occurred.

On motion of Senator Tardif, debate adjourned.

[*Translation*]

ARTHRITIS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Comeau, calling the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.—(*Honourable Senator Keon*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am speaking today in response to Senator Comeau's inquiry of November 27 on arthritis. I want to thank Senator Comeau for initiating this inquiry on a very worrisome health problem.

I completely agree with Senator Comeau when he says that this illness deserves the attention not just of all Canadians, but also of governments. We, as senators and parliamentarians, have a role to play in raising awareness of arthritis.

In particular, I would like to applaud the efforts of the Alliance for the Canadian Arthritis Program in bolstering support for raising awareness among Canadians concerning the prevention and treatment of this illness.

This alliance consists of more than 20 organizations representing patients, health care providers, pharmaceutical industry researchers and health professionals.

Its members are joining forces to correct the inequity that prevails in Canada when it comes to the prevention and treatment of arthritis, and to help people living with arthritis improve their quality of life. Members of the alliance are calling for action for the prevention and treatment of arthritis. According to the alliance, without significant reform to the health care system, the situation will continue to deteriorate.

The alliance has established arthritis prevention and treatment standards and it is committed to working with the governments on finalizing action plans. The goal of the alliance members is to develop and implement a national arthritis strategy. The alliance is calling on the federal and provincial ministers of health to endorse its recommendations to establish national standards for the prevention and treatment of arthritis.

These are the challenges facing all of us and the consequences of this illness for Canada today. At least 4 million Canadians suffer from arthritis. It is the principal cause of deformity and long-term disability in Canada, and directly and indirectly costs several billion dollars in healthcare costs, loss of productivity and disability benefits. Arthritis affects people of all ages. Access to treatment, rehabilitation services and surgery varies widely from province to province.

Wait times for orthopaedic surgeries have grown exponentially. Many areas of arthritis research have not been explored because of a lack of resources. Only 1.3 per cent of research funds from the Canadian Institutes of Health Research are allocated to arthritis research. Since the cost of medication is very high, many patients are swelling the waiting lists for orthopaedic surgery because they cannot afford the medication that would make the surgery unnecessary. There are not enough rheumatology specialists to meet the demand for urgent care. There are only 250 of them in Canada.

A disproportionate number of off-reserve Aboriginal Canadians are two and a half times more likely to have arthritis than other Canadians.

This lacklustre record should prompt us to promote awareness of the pernicious effects of arthritis and to react more effectively to prevent this disease.

I support the Alliance's three priorities: every Canadian must be aware of arthritis and should be urged to take preventive measures; all relevant health professionals must be able to perform a standardized, age-appropriate screening assessment; and every Canadian with arthritis must have timely and equal access to appropriate medications.

All government partners must increase their participation in the prevention and treatment of arthritis. We should all be concerned about arthritis. Soon, the aging population will affect the way we do things. From an economic point of view, our productivity is already being affected by high absenteeism because of workers who have arthritis. AIDS, cancer and heart disease receive a huge portion of private and public funding. Lack of awareness about arthritis means that not enough funds are allocated to researching this disease.

In Canada, we are proud of our high standard of living. We value it very highly. Everyone agrees that awareness and prevention work together to reduce skyrocketing health care costs. Let us hope that people will band together and take

concrete action to give people hope and make things better for the many Canadians struggling with arthritis. Our entire country will benefit if we do.

On motion of Senator Keon, debate adjourned.

[*English*]

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:

That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.—(*Honourable Senator Tkachuk*)

Hon. David Tkachuk: Honourable senators, in order that we are reminded of what Senator Moore is trying to achieve, I wish to read part of the motion before us:

> Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have the full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.

That paragraph was preceded by a number of statements that began with the word "whereas," where the honourable senator claimed that the Prime Minister's disregard of the Constitution of Canada places the Governor General in an intolerable position because she cannot carry out her constitutional duties.

The honourable senator also reflects that the stated position of the Prime Minister, that he does not intend to appoint senators unless necessary, as that would represent a unilateral denial of the rights of the provinces; and that, upon the failure of the Prime Minister to tender advice, it is the duty of the Governor General to uphold the Constitution of Canada.

Honourable senators, in contemplating this motion, I recalled the remarks of former Liberal Prime Minister Trudeau, who once famously said of members of Parliament:

> When they are 50 yards from Parliament Hill, they are no longer honourable members, they are just nobodies.

It occurred to me that, in the past, Liberals in the Senate have invoked time allocation in this place — the equivalent of closure in the other place — as they saw fit, 21 times from 1997-2005. Then, there was the famous attempt by the Liberal senators to stall debate over the GST, a tax that their colleagues in the other place now seem to consider sacrosanct but whose implementation Liberal senators at the time tried to forestall, unsuccessfully I might add, by ringing cow bells, blowing kazoos and twirling noisemakers. Senator Moore is worried about protecting our institutions but the Liberals lost that right decades ago.

• (1630)

Senator Moore has called Prime Minister Harper's appointment of Senator Bert Brown a glaring exception of the Prime Minister's policy not to fill Senate vacancies, even though he knows that is not the case and his own motion confirms it. The appointment of Senator Brown was not an exception to the Prime Minister's policy regarding Senate appointments, but rather a confirmation of his unwavering commitment to make this place more accountable by ensuring that the bodies that fill it are elected and not appointed.

Senator Brown, honourable senators will recall, ran in three senatorial elections and won two of them, including the last one in 2004. It is not the Prime Minister's policy to leave Senate seats vacant. A quick glance at his testimony when he appeared before the Special Senate Committee on Senate Reform makes this plain. What the Prime Minister actually said in response to a question from Senator Chaput was the following, and I will quote it so that there is no misunderstanding. The Prime Minister said:

> The government prefers not to appoint senators unless it has the necessary reasons to do so. I mentioned one of these reasons in the case of Senator Fortier. Frankly, we are concerned about the representation in the Senate and about the number and age of our Senate caucus. It is necessary for the government, even in the present system, to have a certain number of senators to do the work of the government in the

> Senate. We have not reached the point where it is necessary to appoint certain senators to meet this objective. At this time, I prefer to have an election process where we can consult the population rather than to appoint senators traditionally.

Senator Moore and his caucus colleagues do not seem to understand the policy of the Prime Minister, so it bears repeating. The Prime Minister's policy is to fill vacancies if and when necessary — "necessary" defined as the ability of senators to carry on the work of the government in the Senate — but preferring to wait until an advisory election process is put in place.

This motion is nothing more than a cleverly disguised effort to score points while pulling the wool over the eyes of Canadians in order to obscure the real issue: our government's commitment to making the Senate more accountable and the Liberals' commitment to ensuring that we do not succeed in that.

Under the guise of seeking to defend the Constitution, that venerable document in which the country's democratic nature is firmly rooted, this motion seeks to reform the way senators are appointed, not as one might expect by making the process more democratic but by making it less democratic. If this motion were to succeed, it would surely establish a precedent for senators being appointed to vacancies by the Governor General at the urging of the Senate. In other words, the door would be open for unelected senators to ask the unelected Governor General to appoint more unelected senators to the unelected and unaccountable Senate.

This motion, while making reference to constitutional imperatives, undermines those very imperatives in which it pretends to cloak itself. Moreover, it invites the Governor General — a monarchical relic who has wisely and not without considerable forethought been relegated to that of figure-head — and her successors to usurp that which is the sole privilege of the democratically elected Prime Minister who appointed her. The motion also seeks to make the Senate complicit in that process.

Honourable senators, this motion is nothing less than an effort to put democracy in reverse. Wrapped up as a sincere attempt to bolster our democratic system, this motion is an elaborate masquerade that will undo and is an affront to democracy.

In his testimony before the Special Committee on Senate Reform, the Prime Minister stated that we have not reached the point in the Senate where the business of the government cannot be carried out. Senator Moore disagrees. Senator Morre says that the policy of the Prime Minister not to fill Senate vacancies, which I remind honourable senators is not the policy of the Prime Minister, denies the rights of the provinces. I would presume that there has been a great hue and cry from the provinces about this denial of their rights, that it has been documented and that at some future time, Senator Moore will table that documentation in this chamber. Perhaps the honourable senator will table the policy of the Premier of Nova Scotia, Rodney MacDonald who is on record not only in support of term limits for senators, but also of elected and not appointed senators.

No doubt Senator Moore's office has been inundated with letters from constituents complaining that Senate vacancies in their region have not been filled. Democracy is in peril. Senator Moore at some future date will table these letters as well.

Honourable senators, in contending that the Senate is not working, Senator Moore cited as evidence that the Senate adjourned on May 15 due to lack of quorum, the first time that had happened, he told us dramatically, since 1914. I contend that the failure to meet quorum was not an indication that the Senate is not working, but rather that an indication that the Liberal senators who comprise the majority in this place are not working. Quorum, after all, consists of 15 senators. On May 15, the Liberals numbered 60-plus, which is more than enough senators to meet quorum four times over. If the Liberals want the Senate to meet its quorum, they can effortlessly ensure that it does.

What Senator Moore left out of his version of history is the sordid details of that night. On May 15, the Liberals failed to heed both the 5-minute then the 15-minute bell to meet quorum, and instead used the time to rush their members to an Energy Committee meeting where they passed Bill C-288 without any Conservative members of the committee being present. The Conservative senators were absent because they were heeding the bell.

The Liberals were not only responsible for lack of quorum, but they also took advantage of quorum not being met. For Senator Moore to complain now is rich indeed.

I also argue that under no circumstances is adjournment of the Senate for lack of quorum an indication that the Senate is not working, but rather that it is working. Quorum is dictated by the *Rules of the Senate* and when the Senate adheres to its rules, it is working. If, on the other hand, the Senate had attempted to conduct business when quorum had not been met, that would be an indication that it is not working, the rules of the Senate having been broken.

Honourable senators, there are 12 vacancies in the Senate out of 105. Former Liberal Prime Minister Pierre Trudeau allowed the Senate to operate for three years in the 1980s with vacancies in the double digits rising to a high of 21 in 1983. Under our constitutional government, through elections, the people of Canada decide whether they agree with the Prime Minister's decision to leave or fill vacancies. The people are given ample time to speak, and they did so in 1984. Mr. Trudeau's appointments to the Senate, through newly elected leader John Turner, contributed greatly to Mr. Turner's short-lived government's demise in the election of 1984. Judging by that experience, I advise my Prime Minister not to make the same mistake.

Senator Stollery: What happened to the Progressive Conservative party?

Senator Tkachuk: We are now the government. They are right over there.

MOTION IN AMENDMENT

Hon. David Tkachuk: Therefore, honourable senators, I move, seconded by the Honourable Senator Comeau:

> That the motion be amended by deleting all words after "MAY IT PLEASE YOUR EXCELLENCY:" and replacing them by the following:

We humbly pray that Your Excellency will continue to exercise Her lawful and constitutional duties and summon qualified persons to the Senate of Canada, upon the advice of the Prime Minister which has been the practice since Confederation.

• (1640)

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Do honourable senators wish debate on the motion in amendment?

Hon. Tommy Banks: May I ask a question of Senator Tkachuk before we debate the amendment? I do not know the proper order.

The Hon. the Speaker *pro tempore*: Will Senator Tkachuk accept a question?

Senator Tkachuk: Depending on the question, yes.

Senator Banks: Honourable senators, I actually understand that answer.

Leaving aside the terminological in exactitudes of the honourable senator's speech, it is interesting to hear his views on what the Constitution ought to be, and those are matters which need to be addressed in a constitutionally proper way.

My question is, also leaving aside the way that the honourable senator would like to see the Constitution, does he have any regard for the Constitution as it presently stands?

Senator Tkachuk: Of course I do, but I also understand that a constitution is not only what it says, but also what it practices. The democratic right to appoint senators to this place has always been the prerogative of the Prime Minister, and he advises the Governor General and the Governor General appoints. That is his duty and that is her duty. The Constitution does not say that the Prime Minister has to appoint so many senators each year and it does not say that he has to appoint a senator immediately after one resigns.

Senator Banks: Is it not correct to say a prime minister makes these appointments? The appointments, according to the Constitution, are made by the Governor General, His or Her Excellency, and it does not say anything in the Constitution about a prime minister.

Senator Oliver: Constitutional convention.

Senator Tkachuk: We can refer the matter to the Supreme Court, and I think I will be right and the honourable senator will be wrong.

Hon. Joan Fraser: Would Senator Tkachuk take another question?

Senator Tkachuk: Yes.

Senator Fraser: Also referring to his original remarks and, notably, his use of the infamous quotation from Pierre Trudeau about MPs being nobodies once they get off the Hill. I yield to no one in my admiration for Mr. Trudeau, but as I am sure Senator Tkachuk would agree, no one is perfect, so I will ask him a series of questions.

Would the honourable senator agree with me that, on that occasion, Mr. Trudeau got it backwards and that, in fact, MPs are somebodies at home, but that, at least in the eyes of many of the great and the powerful around here, they do tend to be nobodies on the Hill, that is, to be seen as nobodies on the Hill by some of the great and powerful? Would the honourable senator agree with me that that tendency probably exists in most prime ministers and cabinet ministers?

Finally, would he agree with me that this concept appears to have reached its ultimate flowering under the present Prime Minister?

Senator Tkachuk: Honourable senators, I cannot speak for Liberal prime ministers, but I can speak for ours; of course not.

The Hon. the Speaker *pro tempore*: The speaking time for Senator Tkachuk has expired.

Is the honourable senator asking for more time?

Senator Tkachuk: No. I am done.

Hon. Donald H. Oliver: I move the adjournment of the debate.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: All honourable senators in favour of the motion to adjourn will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All honourable senators opposed to the motion to adjourn will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it.

On motion of Senator Oliver, debate adjourned.

MINE BAN TREATY

TENTH ANNIVERSARY—INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of November 27, 2007:

> That she will call the attention of the Senate to the Tenth Anniversary of the signing of the Ottawa Treaty against the use of landmines.

She said: Honourable senators, in speaking to my inquiry today, I wish to recognize the work of two former colleagues of ours who have made significant contributions to the land mines issue. They are the Honourable Sheila Finestone, a former ambassador of land mines; and the Honourable Ione Christensen, who acted as co-chair of Senators Against Landmines.

December 3, 2007 marked the tenth anniversary of the signing in Ottawa of the December Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction, better known as the Mine Ban Treaty or the Ottawa Treaty.

The Mine Ban Treaty defines an anti-personnel mine as "a mine designed to be exploded by the presence, proximity or contact of a person, and that will incapacitate, injure or kill one or more persons." There are more than 350 different kinds of anti-personnel mines, manufactured by more than 50 countries. These weapons cost very little to produce and are easy to deploy and therefore have become a favoured weapon, especially of poorer nations.

In October of 1996, 75 governments met in Ottawa to discuss the problems of anti-personnel land mines. Then Foreign Affairs Minister Lloyd Axworthy, in wrapping up the conference, made a surprise announcement, challenging the world to return to Ottawa in one year to sign a comprehensive treaty banning land mines.

Through this announcement, Canada gave notice to the world that we believed that international cooperation was possible on this issue and that it was finally time to take action. This announcement kicked off what has become known as the "Ottawa Process." Over the next 14 months, a series of gathering and consultations occurred, culminating in Oslo in September of 1997, where an international agreement was reached to eliminate anti-personnel land mines.

On December 3, 1997, 122 countries signed the Mine Ban Treaty in Ottawa. To actually come into effect, the treaty had to be ratified by 40 nations, which occurred in 1999. As of now, 156 states have signed the treaty and all but two of these, Poland and the Marshall Islands, have ratified it. Thirty-nine states have not yet signed the Ottawa Treaty, including China, India, Russia and the United States.

International ratification of the treaty, however, is only the first step. The long task of clearing the millions of land mines already placed in dozens of nations remains.

The Canadian Landmine Foundation estimates that there are between 45 and 50 million land mines in the ground in over 70 countries. One of the most inhumane weapons ever developed, land mines kill and cripple not only combatants, but also thousands of innocent civilians, long after hostilities have ended.

Although all of these mines were originally placed to protect against military forces, once the fighting has ended or moved on, it is the innocent men, women and children who continue to fall victim to this weapon.

In 2006, 5,751 people from 58 countries were known to be killed or injured by these relics. Three quarters of these were civilians and one third of these were children. The hard fact is that somewhere in the world someone is killed or mutilated by a land mine every 28 minutes. In some countries, 50 per cent of victims are children. The true horror of land mines is how they are silent killers, preying on innocent civilians, and again, especially children.

• (1650)

Sadly, those countries held hostage to land mines are amongst the poorest in the world, lacking both the financial and technical resources needed to carry out effective demining operations. Land mines render huge areas of arable land unusable simply because it is not safe for anyone to wander into these areas. Although it costs only about $3 to build and place each of these mines, it can cost $300 to $1,000 to locate and destroy a single mine.

It is an enormously costly and time-consuming effort to clean up infected areas. A deminer with a metal detector and a prod can clear 100 square metres a day. With a mine detection dog, 1,000 square metres a day can be cleared.

Most countries that have used these weapons can barely afford civil administration, let alone the costs to clean up past war zones. The result is enormous social and economic suffering as poor, rural and post-conflict societies can be overwhelmed by challenges of repairing infrastructure and replacing lost agricultural production. Land mines disrupt trade and commerce, produce food shortages and inflation, perpetuate poverty and are a major obstacle to sustainable development.

Despite the challenges, in 2006, over 450 square kilometres of contaminated land were cleared. In addition, 860 square kilometres were released through other measures. The Canadian Landmine Foundation has raised almost $4 million to clear almost 2 million square metres of mines in a dozen countries around the world. The annual Night of a Thousand Dinners worldwide campaign has raised over $4 million for projects in over 50 countries. Progress is being made, but it is slow and costly.

Honourable senators, land mines were recognized as a weapon that causes more civilian casualties in the long run than does the military. This was the impetus that led to the Ottawa treaty. Attention is now being directed to cluster bombs. These are weapons that open over a target area and disperse a large number of sub-bombs. These sub-bombs are undirected and can often cover a square kilometre or more. These weapons cause two problems for non-combatants. First, at the time of use, the large area covered by these weapons puts nearby civilians at risk. Second, although these munitions are designed to explode

on impact, not all do. This leaves a significant number of unexploded munitions after military action has finished. Unexploded sub-bombs threaten civilians when they attempt to return to an area at a later date.

Canada has never used cluster bombs, although two types were contained in our arsenal of weapons. Canada has committed to the destruction of its cluster bombs, although no date has been announced for the completion of this task.

In addition, Canada signed the Oslo Declaration in early 2007, which calls for the creation of a new treaty by the end of 2008 outlawing cluster bombs worldwide. This declaration now has the support of 80 nations.

Although Canada has been a world leader in the banning and destruction of land mines, there is still much work to be done in clearing this problem worldwide. More international efforts and funding are required for the clearance of affected areas. Canada has committed to the elimination of our stockpile of cluster bombs, but can Canada do more to lead the world in this effort, as we did for the Ottawa treaty? I hope so.

Honourable senators, the Ottawa treaty is considered a remarkable achievement by international observers of disarmament issues for its rapid development and adoption. In a span of 14 months, an extraordinary agreement was reached banning a conventional weapon for the first time in history. As we mark this tenth anniversary of the signing of the Mine Ban Treaty that was signed in Ottawa, we can reflect with pride on the leadership shown by Canada through the Ottawa process and on the efforts that our nation has made in reducing weapons of war that have had an inordinate impact on civilians rather than their intended military targets. However, we must resolve to continue the work that was begun at that time and diligently pursue the eradication of this horrific weapon and other similar weapons that indiscriminately kill and injure. More can be done, and must be done, and I encourage all Canadians to continue their efforts.

On motion of Senator Tardif, debate adjourned.

The Senate adjourned until Wednesday, December 5, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(December 4, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Revenue
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. Jim Prentice	Minister of Industry
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Foreign Affairs
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of Canadian Heritage, Status of Women and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)
The Hon. Diane Ablonczy	Secretary of State (Small Business and Tourism)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 4, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujjuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinegan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston–Frontenac–Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.
Bert Brown	Alberta	Kathyrn, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 4, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Brown, Bert	Alberta	Kathyrn, Alta.	Conservative
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinegan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujjuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 4, 2007)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4	Jerahmiel S. Grafstein	Metro Toronto	Toronto
5	Anne C. Cools	Toronto Centre-York	Toronto
6	Colin Kenny	Rideau	Ottawa
7	Norman K. Atkins	Markham	Toronto
8	Consiglio Di Nino	Ontario	Downsview
9	John Trevor Eyton	Ontario	Caledon
10	Wilbert Joseph Keon	Ottawa	Ottawa
11	Michael Arthur Meighen	St. Marys	Toronto
12	Marjory LeBreton, P.C.	Ontario	Manotick
13	Lorna Milne	Peel County	Brampton
14	Marie-P. Poulin	Northern Ontario	Ottawa
15	Francis William Mahovlich	Toronto	Toronto
16	Vivienne Poy	Toronto	Toronto
17	David P. Smith, P.C.	Cobourg	Toronto
18	Mac Harb	Ontario	Ottawa
19	Jim Munson	Ottawa/Rideau Canal	Ottawa
20	Art Eggleton, P.C.	Ontario	Toronto
21	Nancy Ruth	Cluny	Toronto
22	Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Charlie Watt	Inkerman	Kuujjuaq
2	Pierre De Bané, P.C.	De la Vallière	Montreal
3	Jean-Claude Rivest	Stadacona	Quebec
4	Marcel Prud'homme, P.C	La Salle	Montreal
5	W. David Angus	Alma	Montreal
6	Pierre Claude Nolin	De Salaberry	Quebec
7	Lise Bacon	De la Durantaye	Laval
8	Céline Hervieux-Payette, P.C.	Bedford	Montreal
9	Lucie Pépin	Shawinegan	Montreal
10	Serge Joyal, P.C.	Kennebec	Montreal
11	Joan Thorne Fraser	De Lorimier	Montreal
12	Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13	Jean Lapointe	Saurel	Magog
14	Michel Biron	Milles Isles	Nicolet
15	Raymond Lavigne	Montarville	Verdun
16	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17	Roméo Antonius Dallaire	Gulf	Sainte-Foy
18	Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19	Dennis Dawson	Lauzon	Ste-Foy
20	Yoine Goldstein	Rigaud	Montreal
21	Francis Fox, P.C.	Victoria	Montreal
22	Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23			
24			

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Gerald J. Comeau	Nova Scotia	Saulnierville
2	Donald H. Oliver	Nova Scotia	Halifax
3	Wilfred P. Moore	Stanhope St./South Shore	Chester
4	Jane Cordy	Nova Scotia	Dartmouth
5	Gerard A. Phalen	Nova Scotia	Glace Bay
6	Terry M. Mercer	Northend Halifax	Caribou River
7	James S. Cowan	Nova Scotia	Halifax
8			
9			
10			

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Eymard Georges Corbin	Grand-Sault	Grand-Sault
2	Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton
3	John G. Bryden	New Brunswick	Bayfield
4	Rose-Marie Losier-Cool	Tracadie	Bathurst
5	Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6	Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7	Pierrette Ringuette	New Brunswick	Edmundston
8	Marilyn Trenholme Counsell	New Brunswick	Sackville
9	Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10			

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2	Elizabeth M. Hubley	Prince Edward Island	Kensington
3	Percy Downe	Charlottetown	Charlottetown
4			

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Mira Spivak	Manitoba	Winnipeg
2	Janis G. Johnson	Winnipeg-Interlake	Gimli
3	Terrance R. Stratton	Red River	St. Norbert
4	Sharon Carstairs, P.C.	Manitoba	Winnipeg
5	Maria Chaput	Manitoba	Sainte-Anne
6	Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Pat Carney, P.C.	British Columbia	Vancouver
2	Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
3	Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
4	Mobina S.B. Jaffer	British Columbia	North Vancouver
5	Larry W. Campbell	British Columbia	Vancouver
6			

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	A. Raynell Andreychuk	Saskatchewan	Regina
2	Leonard J. Gustafson	Saskatchewan	Macoun
3	David Tkachuk	Saskatchewan	Saskatoon
4	Pana Merchant	Saskatchewan	Regina
5	Robert W. Peterson	Saskatchewan	Regina
6	Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2	Tommy Banks	Alberta	Edmonton
3	Claudette Tardif	Alberta	Edmonton
4	Grant Mitchell	Alberta	Edmonton
5	Elaine McCoy	Alberta	Calgary
6	Bert Brown	Alberta	Kathyrn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2	William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3	Joan Cook	Newfoundland and Labrador	St. John's
4	George Furey	Newfoundland and Labrador	St. John's
5	George S. Baker, P.C.	Newfoundland and Labrador	Gander
6			

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Willie Adams	Nunavut	Rankin Inlet

YUKON—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1			

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 4, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain **Deputy Chair: Honourable Senator Sibbeston**

Honourable Senators:

Campbell, Dyck, Gill, Gustafson, * Hervieux-Payette (or Tardif), Hubley, * LeBreton (or Comeau), Lovelace Nicholas, Peterson, St. Germain, Segal, Sibbeston, Watt.

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn **Deputy Chair: Honourable Senator Gustafson**

Honourable Senators:

Biron, Callbeck, Chaput, Fairbairn, Gustafson, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Mercer, Oliver, Peterson, St. Germain, Segal.

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau), Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein **Deputy Chair: Honourable Senator Angus**

Honourable Senators:

Angus, Biron, Campbell, Eyton, Goldstein, Grafstein, Harb, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Massicotte, Meighen, Moore, Ringuette, Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal **Deputy Chair: Honourable Senator Andreychuk**

Honourable Senators:

Andreychuk, Carstairs, Joyal, Robichaud.
Angus,

Original Members as nominated by the Committee of Selection
Andreychuk, Angus, Carstairs, Joyal, Robichaud.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks **Deputy Chair: Honourable Senator Cochrane**

Honourable Senators:

Adams, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Sibbeston,
Angus, Kenny, Milne, Spivak,
Banks, Lavigne, Peterson, Tkachuk.
Cochrane,

Original Members as nominated by the Committee of Selection
*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne, *LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.*

FISHERIES AND OCEANS

Chair: Honourable Senator Rompkey **Deputy Chair: Honourable Senator Johnson**

Honourable Senators:

Adams, Comeau, Johnson, Robichaud,
Baker, Gill, * LeBreton (or Comeau), Rompkey,
Campbell, * Hervieux-Payette (or Tardif), Meighen, Watt.
Cochrane, Hubley,

Original Members as nominated by the Committee of Selection
*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson, *LeBreton (or Comeau), Meighen, Rompkey, Watt.*

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Di Nino **Deputy Chair: Honourable Senator Stollery**

Honourable Senators:

Andreychuk,
Corbin,
Dawson,
De Bané,
Di Nino,
Downe,
* Hervieux-Payette (or Tardif),
Johnson,
* LeBreton (or Comeau),
Mahovlich,
Merchant,
Segal,
Smith,
Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser), *LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk **Deputy Chair: Honourable Senator Fraser**

Honourable Senators:

Andreychuk,
Dallaire,
Fraser,
* Hervieux-Payette (or Tardif),
Jaffer,
Kinsella,
* LeBreton (or Comeau),
Lovelace Nicholas,
Munson,
Nancy Ruth,
Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella, *LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey **Deputy Chair: Honourable Senator Nolin**

Honourable Senators:

Comeau,
Cook,
Downe,
Furey,
* Hervieux-Payette (or Tardif),
Jaffer,
Kenny,
Kinsella,
* LeBreton (or Comeau),
Massicotte,
Nolin,
Phalen,
Poulin,
Prud'homme,
Robichaud,
Stollery,
Stratton.

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon, *LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver **Deputy Chair: Honourable Senator Milne**

Honourable Senators:

Andreychuk, Baker, Bryden, Fraser, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Milne, Moore, Nolin, Oliver, Rivest, Robichaud, Rompkey, Stratton.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal, *LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day **Deputy Chair: Honourable Senator Nancy Ruth**

Honourable Senators:

Biron, Day, Di Nino, Eggleton, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser), *LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny **Deputy Chair: Honourable Senator Atkins**

Honourable Senators:

Atkins,	Day,	Kenny,	Moore,
Banks,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Zimmer.

Original Members as nominated by the Committee of Selection

*Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny, *LeBreton (or Comeau), Meighen, Poulin, Watt.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Day **Deputy Chair: Honourable Senator Atkins**

Honourable Senators:

Atkins,	* Hervieux-Payette (or Tardif),	Kenny,	* LeBreton (or Comeau).
Day,			

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput **Deputy Chair:**

Honourable Senators:

Chaput,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Tardif,
Comeau,	Jaffer,	Losier-Cool,	Trenholme Counsell.
Cowan,	Keon,	Murray,	

Original Members as nominated by the Committee of Selection

*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau), Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Keon **Deputy Chair: Honourable Senator Smith**

Honourable Senators:

Andreychuk,
Bryden,
Corbin,
Cordy,
Di Nino,
Fraser,
* Hervieux-Payette (or Tardif),
Joyal,
Keon,
* LeBreton (or Comeau),
Losier-Cool,
McCoy,
Robichaud,
Smith,
Stratton,
Tardif.

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal, *LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud, Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

Biron,
Bryden,
De Bané,
Eyton,
Harb,
Moore,
Nolin,
St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

---

SELECTION

Chair: Honourable Senator Stratton **Deputy Chair: Honourable Senator Cowan**

Honourable Senators:

Bacon,
Carstairs,
Champagne,
Cowan,
Fairbairn,
* Hervieux-Payette (or Tardif),
* LeBreton (or Comeau),
Oliver,
Stratton,
Tkachuk.

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn, *Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton **Deputy Chair: Honourable Senator Keon**

Honourable Senators:

Callbeck,
Champagne,
Cochrane,
Cook,
Cordy,
Eggleton,
Fairbairn,
* Hervieux-Payette (or Tardif),
Keon,
* LeBreton (or Comeau),
Munson,
Nancy Ruth,
Pépin,
Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall, *Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

CITIES
(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Eggleton **Deputy Chair: Honourable Senator Champagne**

Honourable Senators:

Champagne
Cordy,
Eggleton,
Hervieux-Payette (or Tardif),
* LeBreton (or Comeau),
Munson,
Nancy Ruth,
Trenholme Counsell.

POPULATION HEALTH
(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Keon **Deputy Chair: Honourable Senator Pépin**

Honourable Senators:

Callbeck,
Cochrane,
Cook,
Fairbairn,
* Hervieux-Payette (or Tardif),
Keon,
* LeBreton (or Comeau),
Pépin.

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon **Deputy Chair: Honourable Senator Tkachuk**

Honourable Senators:

Adams,
Bacon,
Carney,
Dawson,
Eyton,
Fox,
* Hervieux-Payette (or Tardif),
Johnson,
* LeBreton (or Comeau),
Merchant,
Munson,
Phalen,
Tkachuk,
Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson, *LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.*

SPECIAL SENATE COMMITTEE ON AGING

Chair: Honourable Senator Carstairs

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Carstairs,
Chaput,
Cordy,
* Hervieux-Payette (or Tardif),
Keon,
* LeBreton (or Comeau),
Mercer,
Murray.

Original Members as nominated by the Committee of Selection

*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Andreychuk,
Day,
Fairbairn,
Fraser,
* Hervieux-Payette (or Tardif),
Jaffer,
Joyal,
Kinsella,
* LeBreton (or Comeau),
Nolin,
Smith.

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, *Hays (or Fraser), Jaffer, Joyal, Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

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CANADA

Debates of the Senate

2nd SESSION • 39th PARLIAMENT • VOLUME 144 • NUMBER 20

OFFICIAL REPORT
(HANSARD)

Wednesday, December 5, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

THE SENATE

Wednesday, December 5, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL SECURITY AND DEFENCE

OTTAWA CITIZEN ARTICLE ON NATIONAL DEFENCE SPENDING BY GOVERNMENTS

Hon. David Tkachuk: Honourable senators, yesterday, in the *Ottawa Citizen*, a front page article was devoted to an analysis done by the Parliamentary Research Branch. The analysis apparently looks at defence spending under various prime ministers from the 1970s to 2007. I have not seen the analysis nor, when I canvassed them, had any of my fellow honourable senators from the Conservative Party who are members of the Standing Senate Committee on National Security and Defence.

However, according to the article: "The analysis was done for the Senate's committee on national defence." There are two glaring and highly misleading errors in that quote which need to be corrected. The analysis is not an analysis, but simply a collection of figures. No analysis of these figures was prepared by the Parliamentary Research Branch. I know that for a fact.

Additionally, the so-called analysis was not done by the Senate committee, but was requested by an individual member of that committee. I also know that for a fact. The only mystery is who that individual senator was. However, I am sure the chair can enlighten us given that he is quoted in that article drawing conclusions from the collection of figures masquerading as an analysis.

Citing Senator Kenny, the journalist from the *Ottawa Citizen* wrote:

> Liberal Senator Colin Kenny said the figures show the Harper government has to start doing more in terms of military spending.

The article quotes Senator Kenny as saying further:

> They talk the talk, but when it comes time to walk the walk, they're just not there. . . . They don't even come close to the so-called pinko days of Mr. Trudeau. Mr. Harper's got a long long way to go to match that.

There is no comment in that article from Senator Kenny that this collection of figures from which he draws a rather sweeping conclusion was prepared at the request of an individual senator and not at the request of the committee. Nor does he clarify that, in fact, no analysis of those figures had been done by the Library of Parliament.

Furthermore, Senator Kenny's remarks and participation in that article reinforced the impression that the so-called "analysis" was done on behalf of the committee and, even worse, that he is presenting the committee's views on it. Nothing could be further from the truth given that the rest of us have not seen the document in question.

• (1335)

Honourable senators, the Chair of the Standing Senate Committee on National Security and Defence, by virtue of his comment on the so-called "analysis" in question to a local newspaper, has an obligation to correct the errors in that article before this chamber, in front of his colleagues on the committee and in the eyes of the public through the newspaper of record on this issue.

In order that there be no misunderstanding, the errors that need to be corrected are: that there is no analysis, but that there is a collection of figures; that the collection of figures was not requested by the committee but by an individual senator on that committee; and that the chair does not speak on this or any other issue for the committee, unless explicitly specified.

INFRASTRUCTURE DEFICIT IN CITIES

Hon. Art Eggleton: Honourable senators, I rise today to speak about a growing problem in Canada, a problem that, if not dealt with, will cripple our ability to compete in the world economy.

I am speaking about the increasing infrastructure deficit that is found in Canadian cities and communities.

A recent report published by the Federation of Canadian Municipalities pegged the deficit at over $123 billion. Honourable senators, this deficit affects Canadians in every city and every community across this country. It is reflected in the roads we drive on, the pipes that deliver water to our homes, the public transportation that we use and it is the places where our kids play.

Currently, an estimated 28 per cent of our infrastructure is more than 80 years old and, shockingly, 79 per cent of the life expectancy of Canada's infrastructure has been used up.

The $123 billion figure can be broken down into such areas as water and waste water systems, $31 billion; transportation, $21.7 billion; waste management, $7.7 billion; and community, recreational, cultural and social infrastructure, $40.2 billion. Furthermore, this number does not even include what is needed in new infrastructure investment.

Honourable colleagues, more worrisome than the numbers was the reaction of the Harper government. Instead of reacting by saying they want to help, the federal Minister of Finance called mayors and local politicians "whiners."

Honourable senators, that is not leadership and this does not help to solve the problems that plague our cities and communities. With record surpluses at the federal level, it is time that the government invests and helps our cities and communities.

Problems may be found at the local level, but they are not owned by the cities and communities. These are problems that are owned by all Canadians and need to be solved by all Canadians. We in all orders of government need to work together to address the infrastructure situation.

CONCERT ON THE HILL

Hon. Leonard J. Gustafson: Honourable senators, it was snowing and blowing outside the Parliament buildings on Monday at noon, but it was warm and festive in room 200 of the West Block. The Parliamentary Spouses Association put on a concert on the Hill second to none. The music was tremendous — I am a music lover myself — and they did a great job.

Senator Tommy Banks began the festivities. He played as people came in and gathered, and played the old songs that we all know; it was great.

Christmas carols were sung by the House of Commons pages and they did a great job. The piano serenade by André Sébastien Savoie, a concert pianist and spouse of the Honourable Senator Champagne, was tremendous.

The Singing Senators, our own senators' choir, was excellent. Then the Conservative Quartet brought the house down. It was great, as was the performance by the Upper Chamber Chorus.

I want to thank the parliamentary spouses for organizing this event, with a special thanks to chair Val Day, honorary chair Ann Kinsella and Kathy Hays for all the hard work they did.

The military families are most appreciative of what was done. I hope we will see a similar event next year and I would urge honourable senators not to miss it. It was great.

• (1340)

[*Translation*]

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

EIGHTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Lucie Pépin: Honourable senators, tomorrow marks the eighteenth anniversary of the tragedy at l'École Polytechnique in Montreal. We remember with great sadness the tragic deaths of 14 female students who had their entire futures ahead of them. On this day of remembrance we also think of all the Canadian women who have died as a result of brutal acts of violence.

Over the years, December 6 has become more than a simple day of remembrance. It is a time to speak out against this ever-present type of violence in our communities. Unfortunately, violence is still a daily occurrence for thousands of women and girls.

This violence affects all communities and has devastating physical, emotional and psychological consequences. Many victims never fully recover. And we must not forget the children who grow up in this environment.

Aboriginal women are always among the most vulnerable to wanton brutality. The homicide rate for Aboriginal women is higher than that for non-Aboriginal women. Another segment of the population that experiences much more violence is women with disabilities, and that is not talked about often. I could not ignore immigrant women who remain silent about abuse to protect the family's reputation.

In a fair and egalitarian society such as ours, this is a situation that cannot be tolerated. All Canadian women have the right to live in safety and security and with dignity. All of society, both men and women, must work hard to bring about a significant and lasting change.

Honourable senators, in memory of the tragedy at l'École Polytechnique in Montreal and of all Canadian women who have been victims of violence, I invite you to continue to work within your communities to get rid of this social scourge once and for all.

[*English*]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON RECEIVING ORDER OF FRIENDSHIP OF RUSSIA

Hon. Anne C. Cools: Honourable senators, I rise to praise Senator Marcel Prud'homme, who has been serving in this place since 1993. Before that, he served for almost 30 years in the House of Commons as the member for the Montreal riding of St. Denis. Throughout his long career in both Houses, Senator Prud'homme has been a great internationalist. A tireless advocate for peace in the Middle East and justice for Palestinian refugees, Senator Prud'homme has contributed much to building dialogue between Canadian parliamentarians and world parliamentarians — that is, building dialogue between nations.

On November 29 last, honourable senators, the Russians awarded Senator Prud'homme a very high honour, namely the Russian Federation's Order of Friendship. In the Senate foyer, in the presence of our Senate Speaker Kinsella, diplomats and colleagues, the Russian Prime Minister, Viktor Zubkov, presented the award to our colleague on behalf of the Russian people and President Vladimir Putin. The Russians honoured our Senator Prud'homme for his significant contribution to Canada-Russia relations and for his work as the honorary chairman of the Canada-Russia Parliamentary Association. I congratulate Senator Prud'homme for this distinguished achievement and for this great honour.

On that same occasion, the Russian Prime Minister honoured a Canadian World War II veteran, Mr. Leslie Forrest, for his service in the famous Murmansk convoy runs. Mr. Forest was awarded the Russian commemorative medal "60 years of the Victory in the Great Patriotic War." I congratulate him.

Honourable senators, I close with a quote from the Book of Ecclesiasticus, 44:7, which states:

> All these were honoured in their generations, and were the glory of their times.

Honourable senators, our beloved Senator Prud'homme is a credit to this Senate, a credit to Canada and a credit to the world. I am honoured to know him and I am honoured to count him among my friends.

KYOTO PROTOCOL

COMMITMENT OF MANITOBA

Hon. Mira Spivak: Honourable senators, despite the conventional wisdom that has decided that Kyoto targets cannot be met, the Government of Manitoba has rushed in where angels fear to tread. It has committed to meet the Kyoto targets. "Rushed" is the wrong word, however, because the plan is very diversified and well-thought-out. The Manitoba government has been reducing its emissions from about 2.2 million tons to 100,000 tons.

Legislation will set out a mechanism to phase out the remaining coal-fired generating station operated by Manitoba Hydro. The government-owned utility will produce a new province-wide program to help lower-income Manitobans make cost-effective energy-efficient home improvements.

• (1345)

The government will support the Manitoba Forestry Association, community groups and others to plant a million trees a year for the next five years, and it will require the capture of methane emissions from large landfills.

Manitoba was the first jurisdiction in Canada to begin acting on climate change. It is now recognized as the North American leader in geothermal installations and the building of energy-efficient buses. Manitoba was recently ranked first in Canada for energy efficiency programming.

Manitoba is also committed to match California's vehicle emission standards. It is committed to incentives to get older cars off the road and to have fewer gas guzzlers. These and other initiatives reflect the government's response to Manitoba citizens concerned about climate change.

As well, Manitoba has joined both the Regional Midwestern Greenhouse Gas Reduction Accord, as well as the Western Climate Initiative.

I commend both the citizens of my province and the Government of Manitoba for these actions.

[*Translation*]

ROUTINE PROCEEDINGS

TSAWWASSEN FIRST NATION AGREEMENT

DOCUMENTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Tsawwassen First Nation Final Agreement and related Appendices.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL GOVERNORS ASSOCIATION ANNUAL MEETING, JULY 20-23, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the National Governors Association 2007 Annual Meeting, "Innovation America," held in Traverse City, Michigan, from July 20 to 23, 2007.

PACIFIC NORTHWEST ECONOMIC REGION LEGISLATIVE LEADERSHIP ACADEMY, SEPTEMBER 28-OCTOBER 1, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Pacific Northwest Economic Region Legislative Leadership Academy held in Banff, Alberta from September 28 to October 1, 2007.

[*Translation*]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, yesterday, on the topic of government polling and the study conducted by Mr. Paillé, a study that we have yet to see, the Minister of Public Works and Government Services said, and I quote:

> . . . the government has announced a moratorium on all polls in every department, beginning today. . . . In order to impose parameters on polling, the government, effective today, will ask all its departments to refrain from using public funds for polls until further notice. . . . it will apply to the entire public service until parameters are established for polls commissioned and paid for by the public service.

[*English*]

A little later in the day, Jacques Gagnon, the minister's director of communication, said, "We might have been ahead of ourselves. . . We are considering this but you don't do it overnight. . . Ongoing polling will be allowed to be pursued."

An Hon. Senator: Resign!

Senator Hervieux-Payette: Who is making the decision in the minister's department? Is the director of communications taking direct orders from the Prime Minister's Office, or will the minister comply with the excellent decision he made yesterday?

• (1350)

[*Translation*]

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the senator for her bilingual question. This is an important issue, as we know. I will repeat what I said yesterday. There is no connection between the report tabled last week and the one presented by Mr. Paillé. This report deals with federal spending for opinion polls. It, therefore, reflects considerable expenses made, basically, by all federal departments.

Again, as I said yesterday, this is a source or concern for the government. We intend to announce measures to better control polling expenses.

Regarding the moratorium, I suggested yesterday that one would be imposed. I regret having misled the honourable senators because there will not be any for the time being. It was quite unintentional, believe me. Let it be known that we take the findings in that report very seriously. We will take very swift action.

Senator Hervieux-Payette: I remind the minister that his colleague's parliamentary secretary, Mr. James Moore, told the other place that the government was surprised by the numbers and wanted to hold the departments responsible.

I wonder who prepares and adopts the budgets. Is it the officials or the government? And Mr. Moore added:

[*English*]

> We are taking all the necessary steps to correct this in the future to safeguard taxpayers' money. Today we have a different version.

[*Translation*]

The minister says that his intention was to do it, but we do not have a moratorium yet. I would like to know the real reasons, other than electoral considerations, because we know that polls are expensive. On the eve of a possible election, does the Prime Minister's Office still need this tool? Why does the minister not confirm today that the moratorium will apply immediately? Canadians would find it much more plausible. They have had to pay the $31 million price tag — the most ever paid for polls by any government. We could stop the haemorrhaging. After commissioning a study of Liberal polling practices over a number of years, a study that we still do not have before us, the minister should be saying that there is a moratorium and that it goes into effect now.

Senator Fortier: First of all, when the honourable senator refers to Mr. Paillé's study, it is both retrospective and prospective, as honourable senators will see when they receive the report. Moreover, the information on the actions the government plans to take has been available for some time now. The honourable senator and I both recognize that the amounts involved are sizeable. The government will take action. It will announce the measures it plans to take once they are ready. But rest assured that we are working on this. Clearly, we are going to do a much better job of overseeing the award of contracts for these polls. As I said yesterday, the contracts are awarded by the departments, not the minister. In conclusion, opinion polls are issued every day by private firms. The government, as opposed to the departments, feels no need to have more information about how popular it is or other people are. This is by no means the reason or the purpose of these polls. They are first and foremost a tool the government uses to get a better sense of whether its programs are meeting their objectives. That should be our primary goal in future.

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I hope that the minister will give me an indication as to when he plans to table Mr. Paillé's report and when he plans to decide to impose a moratorium and set parameters for polling. He has had the report for a month. He could have set the parameters then and made them public.

When are we going to get an answer to these two questions? Because we are about to rise and it does not seem as though this issue can be resolved before the two Houses rise.

• (1355)

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, in both instances I will let you know; when I am ready to table the Paillé report and ready to announce the measures that the government intends to take.

[*English*]

Hon. Yoine Goldstein: I want to understand the honourable senator's answers. We now know that this government's expenses exceeded by almost one fifth those of the previous government with respect to public opinion polls.

We also know this new government was purportedly scandalized by the quantity of money spent, as a result of which it named Mr. Paillé to do a report and to give recommendations. Apparently he has done so, but the government has not seen fit to release that report as yet. We have heard the minister say that the report will be released in due time.

Since we now know that this government has exceeded previous spending by at least 17 per cent, and since we know that this government purports to be an open, accountable, transparent government, will Mr. Paillé be named a second time to investigate this government's expenses?

Senator Fortier: I thank the honourable senator for his question. We will release the Paillé report. Once the honourable senator has read the report, we will be happy to answer questions coming from it. I would wait for the report before guessing as to what it says or does not say.

With respect to public opinion research as it now stands, I am, along with everyone in the government, concerned about the amounts and how these contracts are awarded; hence, we will definitely look into this matter and address it in the foreseeable future.

REVIEW OF GOVERNMENT POLLING—INDEPENDENCE

Hon. Yoine Goldstein: Since it was this Conservative government that exceeded previous spending by at least 17 per cent, is it not the opinion of the minister that an

investigation into spending by this government should be carried out by someone who is independent of the government, as opposed to the government investigating itself?

Hon. Michael Fortier (Minister of Public Works and Government Services): These contracts are awarded by departments for various studies on all sorts of government policies, ranging from defence to health and through all the other departments.

No one is suggesting anything untoward here. It is a question of managing the volume of public opinion contracts that are being awarded and ensuring that, when we are polling Canadians on programs, the polling is documented and done properly and that the government, and hence taxpayers, get their money's worth.

Senator Goldstein: With respect, does the honourable senator not think that those issues should be determined by someone independent of the government, rather than the government itself?

Senator Fortier: When the honourable senator goes back to the retrospective part of Mr. Paillé's report, he will recall that the Auditor General had looked at and commented on several of these contracts, which is why in our election platform, as the honourable senator will recall, we promised to address this issue, and we did.

What we are dealing with here is the volume of contracts currently emanating out of the public sector. As I said, we will deal with this matter shortly, and we obviously will communicate those decisions as soon as possible, in terms of how we will manage it in the future.

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. James S. Cowan: On October 13, *La Presse* reported that Mr. Paillé had submitted his report on October 5. Is that correct?

Hon. Michael Fortier (Minister of Public Works and Government Services): I do not recall the exact date that Mr. Paillé handed over the report. I shall have to come back with the exact date.

Senator Cowan: Surely the minister will be able to tell us approximately when he received the report. October 5 was two months ago. Did he receive the report approximately two months ago, or did he receive the report approximately two days ago? Could he give us a time frame?

Senator Fortier: The Department of Public Works and Government Services has had the report for some time, but I do not know whether the report was received on October 5, or October 25.

Senator Cowan: Would the minister take that question as notice and provide this house with the date on which the report was received?

Senator Fortier: Absolutely.

• (1400)

FOREIGN AFFAIRS

UNITED STATES AND RUSSIA—MEMORANDUM OF UNDERSTANDING ON INTEROPERABILITY OF DEFENCE FORCES

Hon. Hugh Segal: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Several days ago, RIA Novosti in Moscow reported that top Russian and U.S. military officials have signed a memorandum of understanding in a bilateral military cooperation agreement with respect to the interoperability of those two countries' armed forces, air forces and navy in various parts of the world.

As Canadians have a concern with respect to Arctic sovereignty, and as both the Americans and the Russians are players in that process, could I ask the minister whether she might inquire as to the status of that agreement, whether that agreement is being made available to other allied governments, and whether the document might be tabled in this chamber?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I will take the question as notice and provide the honourable senator with the information.

UNITED STATES—RELEASE OF OMAR KADHR ACCORDING TO PROVISIONS OF UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate in regard to the optional protocol of the UN Convention on the Rights of the Child. Canada has not secured the release from Guantanamo Bay of Omar Kadhr. The United States returned nine British nationals in 2004 and 2005. Mr. Kadhr is the last remaining westerner among some 300 detainees in Guantanamo Bay, where he has been held for the last five years. Serious questions exist about the legality of the military process under which he is to be tried by the United States.

My question is: Will the Canadian government bring Omar Kadhr home, as other countries have been able to do for their citizens, so that he can be dealt with under our justice system?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will take the question as notice.

Senator Jaffer: This U.S. military trial contravenes the optional protocol on the UN Convention on the Rights of the Child. The U.S. and Canada are both signatories. The U.S. ratified the convention on January 23, 2003, and Canada on February 12, 2002.

As a signatory to the convention, Canada has an obligation to ensure that the protocol is being applied to all its citizens. The UN Special Representative on Children and Armed Conflict has raised concerns about the creation of an international precedent where an individual is being tried for war crimes with regard to alleged acts committed when he was a child. Omar Kadhr was only 15 years old when he was captured by the U.S.

Can the honourable leader tell us what Canada's specific obligations are under the optional protocol of the UN Convention on the Rights of the Child, and on what grounds our government is denying these obligations to Omar Kadhr?

Additionally, what is the Canadian government doing to get the United States to honour this protocol with regard to this child?

Senator LeBreton: I thank the honourable senator for her question. As is well known, Mr. Kadhr faces some very serious charges, and any questions related to plans for his release are premature. The legal process is unfolding as we speak.

With regard to the United States and the UN Convention on the Rights of the Child, I will take that question as notice.

Senator Jaffer: I ask the leader if she will brief us as to exactly what kind of help our government is giving to Omar Kadhr to deal with these issues.

Senator LeBreton: I will take that question as notice as well.

JUSTICE

REVIEW OF FOREIGN CLEMENCY CASES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the Minister of Justice recently stated that the Government of Canada would examine clemency cases for Canadian citizens imprisoned in foreign countries on a case-by-case basis. The Leader of the Government in the Senate proudly supported that statement in this chamber. It appears that the Government of Canada will now selectively determine which citizens it will protect abroad.

Will the Leader of the Government in the Senate explain the set of criteria by which the government will determine how far it will go in protecting the civil liberties and human rights of its own citizens in foreign countries?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I will be happy to make representations to the Minister of Justice in an attempt to provide her with an answer.

Although she did not mention the specific case of Mr. Smith in Montana, it will be impossible to discuss that case further, since he has embarked on a court action.

• (1405)

[*Translation*]

DECISION NOT TO APPEAL DEATH SENTENCE OF RONALD SMITH—GOVERNMENT STANCE ON CAPITAL PUNISHMENT

Hon. Claudette Tardif (Deputy Leader of the Opposition): Will the Leader of the Government in the Senate admit that by allowing Ronald Smith to be sentenced to death in the United States, the government is not respecting the will of Canadians with respect to capital punishment?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. As I mentioned, because of the actions of Mr. Smith in taking this matter to court, it will be impossible to deal with that specific case.

The death penalty has been abolished in Canada. Other countries have other laws. When citizens from other countries are in our country, we expect them to obey the laws of our country, just as we should expect our citizens to obey the laws of other countries.

Senator Tardif: Canada abolished capital punishment and automatically sought clemency for Canadians on death row in countries beyond our borders. Has there been a change made to the consideration of the death penalty in Canada?

Senator LeBreton: I have made the position of the government very clear. The law in Canada is that the death penalty has been abolished. That will not change. That decision was made by Parliament and reiterated several times, the last time being in the late 1980s, I believe.

The fact is that our laws in regard to capital punishment can in no way go beyond our border. We cannot impose our laws on other countries, just as we would not want other countries to impose their laws on us.

Hon. Yoine Goldstein: Is the Leader of the Government in the Senate aware that Canada, as an observer of the Council of Europe, has an obligation not only to have abolished capital punishment within its jurisdiction, but also to do anything and everything in its power to avoid the imposition of capital punishment in all other countries?

Is the honourable leader aware of the fact that Canada's inactivity with respect to what is happening in the United States at the moment with respect to a Canadian citizen may well jeopardize Canada's observer status at the Council of Europe?

Senator LeBreton: I thank the honourable senator for his question. In terms of our international obligations, on November 15, just a few weeks ago, Canada voted in favour of a draft resolution at the United Nations Social, Humanitarian and Cultural Committee. The resolution passed. It was, of course, the United Nations death penalty resolution, and Canada supported it.

THE SENATE

INTRODUCTION OF NEW PAGES

The Hon. the Speaker: Honourable senators, before proceeding to the next item, I am pleased to introduce new pages who will be working with us this year.

Bronwyn Guiton was born in British Columbia and calls North Vancouver home. She counts the Rotary Club's Adventures in Citizenship, Capilano College's Global Stewardship Program, and the Explore program among her formative experiences. Bronwyn is currently in her third year of studies in Social Sciences at the University of Ottawa.

Éric Beaudoin was born in Charlevoix and raised in Beauceville in the province of Quebec. Éric completed a Manitoba-Quebec francophone student exchange and studied in British Columbia at UWC Lester B. Pearson College. He is currently in his third year at the University of Ottawa, studying health sciences under the wing of a National Loran Award.

• (1410)

ORDERS OF THE DAY

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, I wish to ask the Deputy Leader of the Government a question on this order.

Your Honour quite properly intervened yesterday and cut our dialogue off, so I will come right to the point and ask the Deputy Leader of the Government whether he can, with more specificity, indicate when he might be intervening in this debate.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I received the minister's comments on this very important bill on Monday night. To illustrate how quickly I move on these matters, I will speak on the matter tomorrow, which is three days after receiving the minister's comments.

Order stands.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Smith, P.C., for the second reading of Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection).—(*Honourable Senator Stratton*)

Hon. Pierrette Ringuette: Honourable senators, I would like to ask the government representative in the Senate when they expect they will be speaking to this bill, which was already dealt with in this house and in committee and sent to the other place in the last session.

Hon. Terry Stratton: Honourable senators, unfortunately I do not have my speech quite finished, and I will not be in the chamber tomorrow, so I will speak on this item next week.

In order to encourage the honourable senator to assist us in getting out of here soon, I will speak to the matter before we leave for the Christmas break.

Senator Ringuette: Is that an indication that Senator Stratton will be the only person from his party speaking on this bill?

Some Hon. Senators: Oh, no!

Senator Stratton: That is a very good try. I do not know the answer, but if the honourable senator would like, I will survey my caucus on that in January.

Order stands.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings). —(*Honourable Senator Andreychuk*)

Hon. Jerahmiel S. Grafstein: Honourable senators, I ask the Deputy Leader of the Government when he might deal with this measure. As he recalls, and as I mentioned earlier today, this bill previously received second reading and I would like it to go to committee before the end of this year.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I thank the honourable senator for his question. We are not quite ready to proceed on the matter. I realize that this bill did progress quite a ways in the last session.

I will attempt to respond to the honourable senator tomorrow or by the middle of next week on when we might proceed to this order.

Order stands.

CANADA SECURITIES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved second reading of Bill S-211, An Act to regulate securities and to provide for a single securities commission for Canada.—(*Honourable Senator Grafstein*)

He said: Honourable senators, I rise to speak in support of Bill S-211. If adopted, this bill would create a single regulatory body for all of the country's 13 current securities markets, and it would be situated within the National Capital Region.

Honourable senators, we live in a complex world. Canada stands alone among all industrial nations in that we do not have a single national regulator for our security markets. Having one regulator would improve the efficiency and productivity of Canada's capital markets at a time when the cost of capital is a crucial issue not only within, but also outside Canada. This bill would provide Canadian corporations and their investors with the certainty, consistency and protection afforded by a single national regulatory framework. Moreover, the cost of capital would go down for Canadian corporations, and the system would work faster and more productively, as the Standing Senate Committee on Banking, Trade and Commerce pointed out in previous reports. More foreign corporations would be enticed to enter Canada's capital market.

This proposed legislation would modernize Canada's capital markets and would pull us into the 21st century. This bill is long overdue. Around the world, developed and developing countries are quickly establishing single securities regulators in order to create economies that are competitive and efficient — Singapore, China, India and Poland, to name a few. Canada is behind all of our global competitors on securities regulation. Indeed, on a number of occasions the OECD has criticized Canada for its lack of a single regulator, which inhibits Canada's role in having a more effective say in international markets.

Last May, the *Financial Times* reported that New York Governor Eliot Spitzer, a staunch advocate of an effective and competitive securities regulator, called together a blue ribbon panel to modernize the American financial services regulation, replete with a powerful investor protection provision in order to compete better with European and Asian markets. The Americans are moving to improve their system, which has a single regulator.

Honourable senators will recall that the United States, during the Great Depression, established a single securities regulator located in Washington as part of the "New Deal". This revolutionary change marked the launch of America as the leading capital market in the world. Canada also took steps to modernize its economy at the time with the establishment of one central bank. Other steps in the securities area were not undertaken by the federal government, so a vacuum developed, and the vacuum was filled by a plethora of provincial and territorial regulators, now 13 in all, each with somewhat different rules, regulations and procedures.

Senator Baker called my attention to the tangled security case law. In case after case, Canadian courts, with the different tests and standards in provincial and territorial legislation, have made legal redress complicated, slow and ineffective. I will give honourable senators a more detailed report about that later.

The frustration of the courts is easy to discern in reading any of these cases. No single government seems to be able to take into account or to move or improve this hopeless legal situation or to rectify this morass. These different jurisdictions make it virtually impossible for shareholders to bring a successful action or for underwriters to bring a successful suit for offences such as misleading advertising in IPOs issued across Canada because of a hodgepodge of different legal tests imposed by various regulatory regimes in Canada. Read these cases and ask, "Where is responsible government that might redress these apparent flaws and gaps in the law?"

• (1420)

In response to my tabling this bill earlier in the spring, I received letters and emails from investors across the country. Virtually all of the correspondence was in agreement that there is a pressing need for a single federal regulator. I quote from an email I received from an investor securities lawyer and policy adviser responding to an appearance on the Business News Network concerning this measure when I first introduced the bill:

> I watched your appearance on BNN concerning your private member's bill for a national securities regulator and I am responding to your request for feedback.
>
> I wish to express my support for this type of federal legislation and congratulate you on its introduction. Rather than commenting from a transaction or compliance perspective, on which I expect you will receive considerable feedback and on which others have considerably more involvement than me, I will comment from the perspective of the policy-maker, in which I have experience in two different decades.
>
> From 1990-92, I worked on policy matters at the OSC, having been hired in the International Markets Branch on its formation. My work included much of the drafting of multi-jurisdictional disclosure systems, the major policy initiative that came into effect during that period, and preparing the recommendations of the Canadian Securities Administrators for use by the Federal Department of Finance in negotiating a free trade agreement with the United States and in negotiating the agreement that led to the creation of the World Trade Organization.
>
> As contract staff at the OSC from 1999 to 2000 and then as a consultant to the OSC from 2000-2004, I mostly worked on proposed changes in the regulation of the retail side of the securities industry. More recently I have done work consulting for the federal Department of Finance relating to the proposal for free trade in securities.
>
> Based on my experience, I wish to make the following observations:
>
> 1. The securities rule-making process is excessively cumbersome and wasteful of government resources in attempting to achieve a consensus of 13 regulators. For those regulators who do not actively participate in a regulatory initiative, their involvement in the initiative is just a waste of their time in contributing nothing to the process, though they have a necessary involvement in approval of the initiative.
>
> For those regulators who actively participate in a regulatory initiative, the process becomes even more cumbersome and drawn out, resulting in a greatly reduced ability for regulators to act in a timely manner and sometimes at a loss of momentum that can kill a useful initiative.
>
> 2. the attempt to achieve a consensus of 13 regulators opens the door for industry to attack or delay an initiative by successfully lobbying just one of the larger regulators, including taking advantage of disagreements between Ontario and British Columbia.

3. My experience is that the rule-making process has gotten more cumbersome between the two decades, not less.

4. Opponents of a national regulator cite the existence of state security regulators in the United States as justification for provincial securities regulation in Canada. However, the existence of state regulators in the United States does not impede the ability of the U.S. SEC to enact rules or the U.S. government's ability to enact legislation.

5. You noted that the opposition to a national securities regulator comes from those with a vested interest in the status quo. I strongly agree with that comment. Securities policy concerns and goals are fundamentally the same among the provinces, making the current system or provincial regulation highly artificial.

6. Notwithstanding the considerable abilities of staff of the federal Department of Finance, I would regard the Department to be inherently disadvantaged in negotiating securities matters with their counterparts in other countries as a result of the federal government's lack of involvement in regulating securities.

By the way, that was the same argument advanced by the managing director of the OECD when criticizing Canada's failure to have a single federal regulator.

7. I understand the Canadian government has significant involvement in the current initiative towards free trade in securities. However, this initiative is based on a system of substituted compliance based on a finding of equivalence between two regulatory systems. Even if this concept is accepted in the future by the United States and other G7 countries, it is quite possible that Canada could be left out of its implementation because of the need for other countries to make this determination of equivalence with 13 regulatory systems, unless they decide to limit free trade in securities to certain provinces, such as Ontario and possibly Quebec.

He concludes by saying:

It appears that the best that can be said for the current system of securities regulation in Canada by the provinces and territories, including the new passport initiative, is that the system could be even worse than it is. As an investor, securities lawyer and taxpayer, I don't think it's enough.

That is the end of the letter and I thought it was quite informed, fair, detailed thoughtful and balanced.

Finally, honourable senators, in an *International Herald Tribune* report last May, the headline read as follows: "IPO earnings in U.S. losing the lead to Europe." This article notes that, for the first time since World War II, bankers in New York are earning less from initial IPO offerings in Europe. The gap is closing, with more than $1.1 billion in fees from European IPOs compared to $1.4 billion from U.S. initial sales. Europe is about to overtake the United States because of its different and more coherent regulatory system. The article goes on to say that the move towards favouring London is here to stay. The big headline is: "London is rapidly becoming a new Big Board."

Canada is falling behind the United States and even falling behind London as it regains its centre as the leading capital-making market in the world.

Honourable senators, 14 out of 15 of the world's biggest IPOs were listed in Europe this year because of lower fees and regulatory lag. As a result, the United States Secretary of the Treasury, Mr. Henry Paulson, Jr., has called for streamlining rules and curbing shareholder lawsuits to increase competition with regulated overseas markets.

Unless such changes are made, it is predicted that the United States will lose its place as the world's leading financial centre and as I said before, Canada lags far behind the United States.

Why is this important reform to our economy necessary? Why is time of the essence? It is because global capital — and we read this every day in our newspapers — does not sit still. It moves effectively, quickly and promptly to the most efficient venue.

Why is our capital market the essence and heart of Canada's growth and prosperity? Capital means jobs, growth and innovation. It drives our tax system and supports our social net. For scarce capital to be deployed directly and not frittered away in a costly and cumbersome regulatory system will simply create more jobs in industry and manufacturing and greater productivity, efficiency and prosperity for all of our citizens.

No reform is more immediate and vital to the vibrancy of our economy. Our global competitors are moving to modernize their regulatory system and their economies. It is with great modesty that I say I have studied this subject for over 40 years and this is the most important step to modernizing our economy since the creation of the Bank of Canada.

I do not intend to try the patience of honourable senators any longer. *Res ipsa loquitur*; this matter speaks for itself.

Honourable senators, I urge your support for this legislation and conclude with two comments, one from yesterday's newspapers. Every federal finance minister, including this one, in the last 50 years at some time or another has called for the creation of a single securities regulator. Yet no prime minister, nor minister of finance, has been prepared to invest the political capital necessary for this essential reform.

Honourable senators, the Senate can now lead the way.

There was a rather disturbing report in the newspapers yesterday. It was reported that the RCMP Integrated Market Enforcement Teams, IMETS, have been a disaster and a failure. Members of the Standing Senate Committee on Banking, Trade and Commerce will recall that all members of the committee have criticized or tried to urge the government and the RCMP to improve the prosecutions of white-collar crimes especially from within the regulatory securities environment. There has been an acknowledged failure in this regard. Mr. Nick Le Pan, the former senior federal officer supervising banks was retained by the RCMP themselves to make a report and he published his 77-page report less than a week ago. In it, he detailed a number of the

reasons why the RCMP — and this was their report which they called for themselves — had failed to successfully prosecute. The reasons indicated are the regulatory morass the difficulties of lack of singular control and the problems of responsible government if one looks between the lines. Although we live in a country with responsible government, no one is taking responsibility or accountability for cleaning up this morass. The resolution of this is a single federal regulator, with stronger investigatory and prosecutorial powers.

I assume, honourable senators, that you are as embarrassed as I am, when we see Canadians who have allegedly committed white-collar and regulatory crimes being prosecuted in the United States. We are told, and Mr. Le Pan tells us in his report, that it is not fair for us to compare the system of regulatory oversight in the United States with Canada. Such an expectation is too high. We should not expect to have the same system of governance and prosecution in Canada as they have in the United States. The rationale for that, which is not in the report, is clear: It is impossible for any prosecutor or any regulator, given the plethora of regulators, to bring criminals to account swiftly. We have a weak system that is giving Canada a bad name. We have to cleanse our system of the many bad guys by having a strong, enforceable, responsible and accountable regulatory system.

• (1430)

Honourable senators, this reform is long overdue. I became interested in this subject more than 40 years ago when I served as Chief of Staff to John Turner, then Minister without Portfolio, who became the first Minister of Consumer and Corporate Affairs. We launched a study at that time to have a single federal regulator. Four decades have passed and we are no further ahead today. The reform is long overdue and I urge the Senate to give the matter consideration and report it to committee, where I will deal with all of the material objections. There are serious objections from British Columbia, Alberta and Quebec.

This past summer, I took it upon myself to visit privately with the ministers responsible in British Columbia, Alberta and Nova Scotia. I intend to do the same with the Minister of Finance in Quebec. I am satisfied because I hear two sides: The vested interests and the political classes saying they are against it, and the constitutionalists saying there is a problem with it. At committee I believe I can satisfy even the harshest critics and most pro-provincial senators in this place that there is a constitutional power within the federal government under the Criminal Code and the interprovincial trade power to do this. The opinions are clear, as given to the Allan commission. If the bill is referred to committee with the consent and consensus of this chamber, I would be prepared to address each and every one of those obstacles and hopefully convince honourable senators that this reform is worthwhile and necessary. Time is of the essence.

Hon. Lowell Murray: If the honourable senator would permit a question, I would take up the last point raised in respect of the constitutionality of Bill S-211. Although he clearly recommended in his speech that senators should read a number of legal cases to bone up on the jurisprudence, I do not promise to do so over the Christmas holidays but I will put it high on my list of New Year's resolutions. The honourable senator speaks to the frustration of the courts in many of these cases. Have any of the courts recommended or suggested that Parliament should act by asserting what he claims is our jurisdiction and by passing a bill such as the one he has placed before the house?

Senator Grafstein: I do not think it is fair to look among those cases for that recommendation. One has only to read through the great pile of entangled cases. They all deal with differing onus, responsibilities and regulatory systems, so at times people pick and choose their venue of choice. In pursuit of a case, one can pick and choose the jurisdiction where the defence or the prosecution, as the case may be, will stand the best chance of meeting with success. It is a marketplace of ideas.

I urge the honourable senator to read the cases, and I will send him two or three. Then, he will be able to sense the frustration of the judges who wonder why the system cannot be made simpler. Judges have a duty to protect the public interest so why is the public interest under responsible government not being protected by a clearer statement of onuses and responsibilities and why is the criminal power not clear? The argument in the Le Pan report is that the Americans have a better and tougher system because there is one jurisdiction. The Americans have a more complicated jurisdiction than we have because their criminal power is state by state. The Fathers of Confederation recognized the desire for one criminal law for Canada, and no province has ever challenged the criminal power. We already have the criminal power to do this, but the problem is the next step of coordinating the various regulatory commissions, the public and the marketplace, which creates an undue obstacle in the pursuit of justice in Canada.

The short answer to the honourable senator's question is, no, the courts have not made such a recommendation. I suggest to the honourable senator that he read two or three of these cases, of which Senator Baker has many. In each one, he will be able to sense the frustration of the judicial system and almost hear the judges imploring the legislators to get on with the business of responsible government.

Senator Murray: I appreciate the critique that the honourable senator has made of the status quo. I have followed him before on this subject.

Does the honourable senator disagree with me that if the Parliament of Canada was to pass Bill S-211 there would be a constitutional challenge to it from one or other of the provinces? He seems to be much more sanguine than I would be normally about what would happen in the event of such a challenge and whether ultimately the Supreme Court of Canada would find the bill ultra vires of Parliament and the proper use of the criminal power. If not then, as the scriptures say, our last state will be worse than our first.

I appreciate that the honourable senator belongs to the roll-of-the-dice school of politics, but does he not think we are taking a big chance?

Senator Grafstein: Let us see what would happen. Let us assume for a moment that the Senate is bold enough to pass this legislation and that the House of Commons is bold enough to pass the legislation. Immediately, there would be a challenge; and I accept that. The Provinces of Quebec, Alberta and British Columbia might challenge it and, if not the provinces, then some interested party within the provinces would challenge it. However, Parliament would win, and I will tell the honourable senator why we would win.

I will be accountable for this. Take a careful look at the law notes in Laskin's case book on constitutional law. I went to law school in the mid 1950s and I revisited those footnotes last night in preparation for my speech today because I assumed this question would be asked. Interestingly, it also relates to Senator Nolin's position on why, essentially, as a matter of balance in the Constitution, Supreme Court cases from 1960 to date indicate a visible shift in the courts. They look at provincial and federal powers to determine whether there is a new test, which is whether something that impinges on provincial jurisdiction that is in the national interest. If the national interest is so high and so great as it relates to pollution, for example, which was not a big problem in 1950 but is a problem in Canada in 2007, then the courts have said that, unlike in the United States where they interpret the Constitution by looking at the intention of their founding fathers, we are to look at the situation as it applies today. It is a different test. The new test in the courts is such that if it can be demonstrated that the matter is in the national interest above and beyond the concerns of the provincial ideology, then the courts are prepared to support federal power. We do not need that test in this case, even though I tried to establish the national necessity today, because the federal government has always had the powers necessary. We have always had the criminal power and the interprovincial trade power. The federal government did not use their powers and thus a lacuna was left in the 1930s, and the provinces creeped and seeped into federal jurisdiction. You now sell your securities in Ontario if you are a provincial regulator across Canada. That is contrary to the interprovincial trade laws, but because we left the lacuna, so it has been readily filled by provincial power. This bill would be rebalancing the constitution and rebalancing Confederation in the national interest.

• (1440)

Hon. Hugh Segal: Will the senator take another question?

I will leave the constitutional debate to senators who are far more informed in that area than I am. I am more troubled by the premise, which is explicit in the legislation and the honourable senator's defence thereof. It says: If we have a national problem, the response must be a bigger federal agency. I understand why on that side of the house a big, federal, bureaucratic response is a normative and comfortable proposition. On other sides of the house, however, there is a view that suggests that looking to big federal, administrative, commercial and other responses to problems in the marketplace may not be as fraught with a vast history of success as the honourable senator invests in the possibility of a national securities commission.

Can the honourable senator share his data set relative to the overweening success of large federal agencies on matters of commercial and related enforcement?

Senator Grafstein: Let us start with Mr. Le Pan's 77-page report. Start with that and read it. The current system is failing.

Senators who went with us to New York will recall this: When the Standing Senate Committee on Banking, Trade and Commerce went to New York, we met with a number of experts. One of them was Professor Coffee, a professor of law at Columbia University retained by the Ontario securities regulators, the Allan commission to look at the securities situation in Canada. Mr. Coffee surprised us by telling us that more than 100 alleged securities violations had come to the attention of the authorities but that nothing was done. He could not find out why none of those cases of alleged securities violations was pursued.

Then we have the affirmation — the answer is here now: One prosecution in Canada, one of the largest capital markets in the world. We are either the most honest capital market in the world, or there is an inability of those responsible to bring people to justice and cleanse our system.

There are senators here who have been criticized for sitting on boards of public companies. I am not ashamed of being on a board of a private or public company.

An Hon. Senator: Shame!

Senator Grafstein: Honourable senators, the system is not working. Senator Segal is on a public board, or has been. The system is not working — and I am not the only one saying this. Mr. Le Pan, who is the expert and who was the senior federal regulator of banks, says that the system is not working.

Senator Segal, do not set up a straw man. The "straw man" is that we will have a bloated federal bureaucracy that will not to be able to do its job. Frankly, the existing system is bloated, inefficient and unproductive. However, I believe the federal government can play an active role in this case; I believe we can have efficient agencies; and I believe the Bank of Canada is doing a great job at times.

Having said that, I am not ashamed to say that we should not be afraid to use federal power in the national interest of Canada. I am glad we have strong federal agencies that do their job. I do not want to get into an ideological battle; I would rather have a functional look at this question. I am prepared to rely on the functionality of my argumentation.

Senator Segal: Two very brief supplementary questions: Would it be the honourable senator's expectation that a new national agency as envisaged in his thoughtful and creative legislation would embark upon and seek to impose U.S. prosecutorial standards in commercial matters in this country? Additionally, would that be seen as a step ahead in his perspective?

Secondly, is it Senator Grafstein's view that capital markets of a junior nature in places like Alberta or smaller provinces should have the same regulatory frame as capital markets in more senior and mature markets? If that is the honourable senator's view, why not adopt the jurisdiction of the U.S. Securities and Exchange Commission and do away with our own domestic regulation completely if one big regulator is the answer for North American efficiency, which I believe to be at least a part of the construct he is suggesting?

Senator Grafstein: That is about four questions.

First of all, I believe in Canada. I believe in sovereignty. I believe in accountable, responsible government. I do not believe that we should delegate our responsibilities to regulate our market to American colleagues, nor do I believe that our legal system cannot be renovated in a more sophisticated way than the American system. Sometimes, their system does provide overkill and does not protect the accused fairly — and we have seen that. Hence, I am not suggesting that.

I am suggesting that we will do our business here, make sure that the criminal penalties attached to this legislation are appropriate to our jurisdiction, system and judicial courts, because we do have a different system. The existing system would not change. The provincial governments can continue to have a regulatory system for a junior market if they choose to do that in their own province. If they wish to sell securities or have a capital market in their own province, they can be free to do so.

However, they do not want to do that. Alberta does not want to limit itself to Alberta. It wants its IPOs, as well as British Columbia's IPOs to be purchased across the country. Our natural market is already too narrow. Why go into a marketplace and not at least get the entire Canadian marketplace? In this country, we do not have a national marketplace. We have obstacles and barriers to interprovincial trade, and the Senate Banking Committee continues to look at this. We do not have a national marketplace. We have free trade with the United States but not within our own jurisdiction in Canada.

I am not worried about overkill or Americanization of our criminal law system. There are checks and balances in place. The Standing Senate Committee on Legal and Constitutional Affairs, a thoughtful committee, would carefully vet legislation to ensure that the criminal power is appropriately applied, and applied differently than in the United States. I am not in favour of RICO — the Racketeer Influenced and Corrupt Organizations Act — in the United States, because that legislation has been taken out of proportion. RICO was put in place to catch criminal gangs but it is now being applied to civil or criminal regulatory issues. It is not fair and we would not do that in Canada.

I have more confidence that our judicial system and legislators would be more careful, thoughtful and fair to both sides, especially in a criminal matter.

Hon. W. David Angus: Would the honourable senator take another question? In his bill, I believe Senator Grafstein is talking about a single national securities regulator under the federal law, as it has been described.

Is the honourable senator familiar with the concept of a common national securities regulator, whereby the federal government would work with the provinces and territories? If the honourable senator is familiar with that, why would he not prefer such a system?

Senator Grafstein: The answer is responsible government. Let me give the honourable senator the argument. This is not a new proposal. This proposal was made in the early 1960s, 1964-65, by the then-chairman of the Ontario Securities Commission who proposed such a system. I was involved in those discussions at the time, and the federal mandarins and ministers turned it down because of the question of accountability. By separating the responsibility between the federal government and the 13 jurisdictions, there is no accountability. If something goes wrong, who is to blame? Who can be held accountable?

• (1450)

Our Fathers of Confederation believed, differently than the United States, in responsible government. That is the very essence of our constitutionality. How can responsible government exist when something goes wrong within the system, as it has now — only one successful prosecution — and no one takes account or responsibility? How does the voter of Canada decide that a politician or a group of politicians is not doing his or her job? They cannot when the responsibility is divided among 13 jurisdictions.

Who do voters blame? Do they blame Nova Scotia? Do they blame Saskatchewan? No, let the federal government take responsibility and let it take the heat for that responsibility. That is the essence of responsible government to me, unless my mentors were wrong when they told me that the federal government could be a focussed, effective tool in the national interest.

On motion of Senator Meighen, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2007 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Losier-Cool:
>
> That the following Resolution on Combating Anti-Semitism and Other Forms of Intolerance, which was adopted at the 16th Annual Session of the OSCE Parliamentary Assembly, in which Canada participated in Kyiv, Ukraine on July 9, 2007, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2008:

RESOLUTION ON COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE, INCLUDING AGAINST MUSLIMS AND ROMA

1. Recalling the Parliamentary Assembly's leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,

2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,

3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,

4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the

Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,

5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,

The OSCE Parliamentary Assembly:

6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;

7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;

8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;

9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;

10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti- Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;

11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;

12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;

13. Reaffirms especially the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";

14. Recalls the agreement of the participating States, adopted in Cracow in 1991 to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;

15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;

16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;

17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance

18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;

19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;

20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts:

21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti- Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;

22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;

23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;

24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;

25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediatized form that could be utilized throughout the OSCE region;

26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;

27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;

28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;

29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;

30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;

31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:

a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;

b. collect, analyse, publish, and promote hate crimes data;

c. protect religious facilities and communitarian institutions, including Jewish sites of worship;

d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;

e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;

f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;

g. work with civil society to develop and implement tolerance initiatives;

32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;

33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;

34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;

35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;

36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;

37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;

38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to "eradicate practices that segregate Roma in schooling" and provide equal access to education that includes intercultural education;

39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;

40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;

41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly's Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;

42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;

43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;

44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;

45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;

46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;

47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;

48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission's adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;

49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", as enshrined in the Helsinki Final Act;

50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;

51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I am quite prepared to speak on this motion. I have been talking with the sponsor of this item, Senator Grafstein. Looking at the time that it has been sitting on the Order Paper, I wanted to assure everyone that, in consultation with Senator Grafstein, I will be speaking on the matter in the not-too-distant future. In the meantime, I will adjourn it for the remainder of my time.

Order stands.

THE SENATE

MOTION TO TELEVISE PROCEEDINGS— DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of November 13, 2007, moved:

> That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that the honourable mover of this motion has not made any comments in regard to this item, I wonder if he might entertain answering a few questions for me.

Senator Segal: I would be honoured to do so.

The Hon. the Speaker: The motion is Senator Segal's motion, so we are on Senator Segal's time, with 15 minutes for questions and comments.

Senator Comeau: Honourable senators, I have no problem with this motion, but I have a number of questions that I should like the honourable senator to entertain.

First, this motion gives an order to someone, but it does not say to whom. It says, let us start televising, but who will do the televising?

Are we to expect the table to set up cameras in the room? What about Senator Corbin, who usually has problems with the fact that he has cameras in back of him? He usually raises objections on this and I might raise objections if a camera is placed between the leader and me.

These are some of the questions that are not answered in the motion because no one takes responsibility. It is simply an order from the Senate to someone out there, but we do not identify that person.

Second, because there is no indication as to what would be the cost of all this, has any consideration been given to costing? If it has not, who will do the costing? Will it be the Speaker or the table officers? The motion does not say.

Third, the motion says we will start televising, but to whom? No one seems to be identified to pick up the feed from the Senate. Is somebody responsible for finding someone to pick up the feed from the Senate? After we spend money putting in cameras, we may not be sending the feed anywhere.

These are the kinds of questions I have. The honourable senator is not identifying who will set this up or who we are giving the order to. Is this motion something that will stand out there and no one will pick up the ball and run with it after we, as a chamber, pass the motion?

Senator Segal: I thank my honourable colleague for those thoughtful and direct questions.

My intent with respect to this motion was to have an expression of will. Is it or is it not the will of this chamber that we find some way to televise our proceedings? If the will is expressed to do so, I understand that I do not have the authority as a private senator to make any proposal that would facilitate the expenditure of funds or would have any impact on the rules of this place.

Once that will was expressed, it would be my hope that one could then consider a motion that was a direction to the Rules Committee or Internal Economy Committee to consider the modalities, with the advice of the table and others, with respect to how the will of this place might go forward in a fashion that struck all colleagues as fair, reasonable and cost efficient.

My good friend Senator Banks commented the other day that there may be a way to provide an efficient feed that does not involve television, but that could be picked up by anybody who wishes to have access thereto in ways that respect the new technology.

The Deputy Leader of the Government is absolutely correct to ensure that I am not implying that this motion constitutes an underwriting of cost or an acceptance willy nilly of particular procedures. I have not, in this motion, suggested to whom the management of this proposition should now go; that is beyond me.

It is my hope that if the will to proceed was enunciated by this place, then the two sides, the minority and the majority, could work together on what would be the best modalities for looking at the details, the cost, and to what committee that matter might be referred. I consider that to be well beyond my pay scale. All I can do as a member of the Senate is suggest that the will might be expressed in a constructive way. I mean no more than that.

I surely do not mean, in any way, to limit the options of the chamber or the table with respect to how we might proceed. However, it struck me that if the will was expressed, we would have ample time — perhaps between the Christmas break and the return, now scheduled for the end of January — to consider some of those issues on a consultative basis between colleagues on both sides.

Senator Comeau: I believe I have made my point; I do not think the honourable senator should underestimate his own sense of importance in the chamber. He has proposed a motion that basically does not say who will do what. He has suggested that both sides might meet and talk about it, but that motion does not say so.

• (1500)

In my view, the motion would be much more powerful had it included a reference to the Internal Economy Committee to get back to us as to whether the concept is doable and what it would costs, rather than leaving it in a limbo as to maybe we do it and maybe we do not. The motion does not authorize anyone whatsoever to do anything. It is a nice, collective sigh — "I wish this would happen." However, most likely we would all go back to our everyday jobs the following day and nothing would happen to it. Put some teeth into this motion and let us send it off somewhere, where it is of value.

Senator Segal: I am more than delighted to take advice from those more learned and more experienced in the matter than myself. It struck me that it would be a waste of time and money to have the Internal Economy or the Rules Committee consider the modalities prior to this chamber expressing its will to be televised. Why go through the exercise of determining how we might do this, if this chamber — and I understand there to be a series of very different views on the matter — is not of the will that we should go forward? If we are not of the will that we should go forward, then that is the end of the matter. I will have made a suggestion and I would be delighted to accept the will of the chamber, and I will defend the decision taken by the chamber, either way.

The notion that we would begin detailed committee discussion about how we might do it before we know whether members of the chamber wish it to be done struck me as, perhaps, the wrong way to proceed. However, if others would prefer to proceed in another fashion, I am pleased to be cooperative in every sense.

Hon. George J. Furey: The problem is that the honourable senator's motion is not worded as a consultation but rather as a directive and will have the effect of an order of this chamber if we pass it.

Senator Segal: Yes; that would be my hope. If the honourable senator has "outted" me on that hope, he has done so expertly and I defer to that. It is my hope that once the chamber, should it choose to do so, expresses the will that we should be televised, then, when the various committees — that is, Internal Economy, Rules, and others — consider the modalities, they would be considering them with the understanding that it is the will of this chamber that it transpire.

Honourable senators, it has been my experience that with the best of people, particularly when they look at issues of cost, inconvenience and change, one can often slow down the process just by doing one's homework and by applying due diligence. If the process begins without this place having expressed its will precisely, then we could find ourselves, in six months' time, with outstanding work having been done but no clarity as to whether this place wishes to proceed. My hope was that we could get some clarity in that respect and then the various groups could proceed on that basis.

Senator Furey: Again, would it not be better if the honourable senator's motion was worded as a consultation as opposed to a directive? If it comes as a directive and an order of this chamber, then all of the questions that were raised by our colleague Senator Comeau will not be answered. There will be a directive to start putting cameras in here immediately. What Senator Comeau raises is an excellent point, and we should consider his points before we get an order to start erecting cameras in this chamber. If we reworded the honourable senator's motion such that it was a consultative motion rather than a directive, would that not be better?

Senator Segal: I suspect it would be. This motion is on the Order Paper as we speak. It is the second time this motion has been on the Order Paper; we had a similar one in the last session. I am completely comfortable with the Senate pronouncing upon this motion, with its strengths and weaknesses, and/or someone deciding to adjourn it, which may be what transpires — it is beyond my control. I am hopeful that we can find a way to express our will to proceed in a fashion that allows the rest of the process to have some direction and clarity to it rather than not express the will before we ask that the details be addressed and then find out that when the details come back, the will never existed to begin with, which may in fact be the case. I do not want to prejudge that.

Hon. David P. Smith: On page 8 of the Order Paper, Honourable Senator Segal also has another motion, namely, for a referendum on the abolition of the Senate. Would it not seem to be a little odd to spend all this money before the continued existence of the Senate has been determined? The honourable senator cannot have it both ways.

Some Hon. Senators: Oh, oh!

Senator Segal: I sense my honourable colleague's question has broad popular support on both sides of the chamber. The honourable senator will know that my motion on the other matter relates to a broad public referendum on whether the Senate should be abolished. He will know from the public record that I have indicated that I would be opposed to that abolition.

It is my very strong view that if the proceedings of this place were televised, not just in committee but in a fashion that resembles the way in which the House of Lords is televised, the narrow numbers now as between maintenance and abolition would shift toward maintenance, and I would be a champion of that cause. Furthermore, televised debates in this place would help make the case for its continuation on a responsible and constructive basis.

Hon. Lowell Murray: I was going to ask the Honourable Senator Segal and, inferentially, others who have taken part in this discussion, whether a solution might be found by amending his motion by putting a comma after the word "Canadians" and add the words "and that the Committee on Rules, or Internal Economy Committee, or whatever, be directed to recommend modalities within a certain time frame."

Senator Segal: I would not pretend to know how to do that, but I would certainly accept the proposition as a great idea, and one that is consistent with what my deputy leader has been suggesting. If someone more learned than myself would know how to make that motion, I would support it.

Hon. Bill Rompkey: Honourable senators, given Senator Segal's position on his motion to abolish the Senate, could I ask him whether he is for or against televising the Senate?

Senator Segal: Honourable senators, I have long learned, in debating anyone from Newfoundland and Labrador, that when there is one path that leads to ontology and another one that leads to teleology, I should skip both.

Senator Rompkey: What we do not want is "palaeontology".

Senator Segal: I am for the televising of the Senate. I am for doing it in a fashion that is practical, efficient and fair. I believe a televised Senate would allow those of us who want a public referendum on its future and who are opposed to its abolition to make our case even more eloquently in the future.

Hon. A. Raynell Andreychuk: I should like to adjourn this debate, honourable senators.

The Hon. the Speaker: We have a motion that is not metaphysical at all.

On motion of Senator Andreychuk, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO ESTABLISH NATIONAL PORTRAIT GALLERY IN NATIONAL CAPITAL REGION—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein, pursuant to notice of December 4, 2007, moved:

> That the Senate urge the Government to establish a National Portrait Gallery in the National Capital Region without delay.

He said: Honourable senators, you have been very patient with me today. I am speaking in support of this resolution, namely, that the Senate urge the government to establish a National Portrait Gallery in the National Capital Region without delay. I raise this now because I think it is timely for the Senate to opine on this measure because of the current situation as it pertains to the government.

• (1510)

Honourable senators, I do not mean to try your patience today. You have been very kind. The reason for this motion is that the government has announced recently that it intends to have, in effect, a competition between cities, pitting one city against the others across Canada to receive applications for siting the National Portrait Gallery outside the National Capital Region. It is my hope that prior to adjourning for the Christmas break the Senate would opine on this question.

Honourable senators, I shall try to be brief. Back in the spring of 1998, I returned from a trip to London, England, where once again I had visited, as I usually do, the National Portrait Gallery, which is a stunning, elegant gallery of portraits of the great personalities of Britain through the ages. Included in the collection on various floors are portraits of the royalty, the courts, politicians and prime ministers. There is a wonderful portrait of the first war cabinet where you see Winston Churchill and Mr. Borden in the same cabinet together. This was the first imperial cabinet. There are fabulous portraits of business leaders and barons of business, actors, artists and ordinary working people from every walk of life.

In effect, the impression in the gallery is a virtual pictorial panorama of British history as seen through the great portraits of England, not only its elite leadership but also from the perspective of the ordinary man in the street, if you will.

Each time I visit the gallery, there is an additional portrait or two. I invite all senators who have not visited that gallery, which is located in the heart of London, to do so on their next visit.

That spring when I came back from London and discovered that the United States Embassy, which was located right across from Parliament Hill — that wonderful art nouveau building — was going to be left vacant, as the American embassy was moving around the corner, I thought it would be an excellent venue for a National Portrait Gallery for Canada. I contacted National Archives of Canada.

Allow me to quote from their letter, dated July 8, 1998.

> Dear Senator Grafstein,
>
> Recently, in conversation with John Cripton of the National Arts Centre, I learned of your interest in exploring the potential of creating a National Portrait Gallery in Canada. Your interest in national portraiture is shared by the National Archives of Canada.
>
> Virtually since our formation in 1872, we have acquired portraits as historical documents, and our portrait holdings now number over 4 million items, including works of art such as paintings, prints, and caricatures, as well as major collections of photographs. Among these unique materials is, for example, the only known portrait of a Beothuk painted from life, a very early photographic portrait of Sir John A. Macdonald, held as an intimate keepsake in a locket, and the entire studio of Yousuf Karsh. Over the years, this unparalleled collection of portraits, together with manuscript and other relevant records on the lives of Canadians which we hold, has become a much used resource for historians, educators, other exhibiting institutions and the media.
>
> We, too, have regularly exhibited selections of these portrait holdings, as is demonstrated by the enclosed sampling of catalogues.

They were kind enough to send me a catalogue, which is available to all senators.

The letter continues:

> Unfortunately, while we are actively acquiring and preserving Canada's portrait heritage, we do not as yet have a permanent exhibition space to offer the public ready access to these national treasures. . . .
>
> The National Archives is committed to pursuing the display of our national portrait collection, as the benefits it would offer Canadians are indisputable, both in terms of strengthening Canadian identity and in enhancing pride in our heritage. Given your own interest in this area, I would like to invite you, and anyone you might like to accompany you, to visit the National Archives to see for yourself the breadth and scope of the National Archives' impressive portrait holdings, and how they could form the foundation for a new focus on this nation's people and their stories.
>
> I would also like to learn more of your own ideas about how to showcase this aspect of our Canadian heritage.

After receiving that letter, I spoke to my colleague, one of Canada's great art experts, Senator Joyal, and he as well was interested in this project. I asked him if the two of us could join forces to see if we could persuade the government of the day — Mr. Chrétien was then the prime minister — to bring this about.

Senator Joyal was kind enough to give me a letter addressed to him on October 18, 1998 from the National Archives of Canada. I shall not read the letter in its entirety — because some of it reflects what is in the letter to me. I am reading this letter with the permission of Senator Joyal. It says — and I quote:

> Dear Senator Joyal,
>
> Recently, during an enjoyable telephone conversation with Senator Grafstein about his interest in a National Portrait Gallery for Canada, I learned of your own desire to see Canadian portraiture made more available to the public. The interest you and Senator Grafstein have on this front is shared by the National Archives of Canada.

Mr. Lee McDonald, Acting National Archivist, goes on in that letter to repeat the same subject matter I previously read.

Senator Joyal will speak later, I would hope, in this debate. He and I then decided to attend on Mr. Chrétien, who was then the prime minister. It was fortunate, as Senator Joyal brought to my attention, that towards the back of this collection catalogue there was a very good photograph of Mr. Chrétien, taken in 1985.

Senator Joyal convinced me that this would become a very impressive document with which to persuade the Prime Minister to institute the National Portrait Gallery. To be fair to then Prime Minister Chrétien, he was immediately taken by the idea. He said he would pursue it, and indeed he did. He established a budget, with $45 million to $50 million as a target, I believe. A group of bureaucrats were put into place; plans were set afoot. Senator Joyal and I attended regularly at meetings to see if we could help them along the way.

Honourable senators will know that on the outside of that building — located across the street from Parliament Hill — there are a number of poster displays demonstrating the beginnings of the National Portrait Gallery, which was to be created thereafter, with some renovation.

The rationale for creating the portrait gallery was simple. Somewhere between 750,000 and 1.2 million Canadians from all walks of life visit Parliament Hill each year. When they are finished their magnificent tour of this building, and the adjacent buildings on the Hill, there is no place to go. This venue across from Parliament Hill would allow hundreds of thousands of Canadians to walk across the street and immediately enter into and gain easy access to an historic and fascinating collection of Canadiana, portraits of great Canadians, stretching back before Confederation — our undiscovered national treasure.

Senator Joyal and I thought this would be an appropriate and cost-effective way to display the National Archives collection, which I have visited. I urge each and every senator to cross the river and visit the National Archives and taste and sample some of these portraits. I am sure honourable senators will find them astounding and compelling. It would be very easy and cost-effective to bring them from that central point, which is in Gatineau, across the river, and rotate them across the street from Parliament on a regular basis so, in time, the entire collection would be seen by the public.

• (1520)

That building, in my view, and I think this is view shared by Senator Joyal but he will speak for himself, would become the second most famous building in Canada after the Parliament Buildings themselves. Each night, when the national news media focused on Parliament Hill, from time to time they would turn the cameras and we would see this splendid building in the background. We would be promoting a national institution of great interest, freely and easily, without a huge promotion budget. This would not be, in the words of Senator Segal, bloated economy. This would be a cost-effective way of promoting our national heritage.

To be fair, the government has not dismissed the idea of a National Portrait Gallery. My only quarrel with the government is that they intend to place it outside the capital region. Each and every study indicates that the cost of transportation of rare collections over the years would be more than the cost of renovating a building in Ottawa. If you are looking for cost effectiveness, it is better to have the gallery here than outside the national capital region.

There is not a capital in the world, and all of us have visited capitals around the world, where there is not a fine collection of portraits of the national identity of the country. England has one. The United States has one. They are all located in the national capital. Moscow has one, Senator Fairbairn says, and Austria the same, so says Senator Joyal. When you travel the world, most of us who are interested in paintings visit these galleries. There is no reason why we cannot enhance our national identity and national history here in the capital region at the same time.

Let us look at the public polls. There is no question that Parliament and politicians are held in very low esteem in the polls. As a matter of fact, I remember when I first became a senator, I belled up my marks. Lawyers were ranked at 2 per cent in popularity in the poll, and politicians were 4 per cent. I rose from 2 to 3 per cent on the average. Honourable senators, we have a responsibility to elevate the profile of Ottawa and Parliament. This is an easy, cost-effective way to do it in this case.

I hope that honourable senators will agree to pass this resolution and to convince the government that we could move to establish the National Portrait Gallery cost effectively and quickly. The plans are afoot, and money has already been spent. This project could be implemented within a year and very cost effectively. I hope honourable senators will support this modest resolution to retain the National Portrait Gallery where it rightfully belongs, here in the national capital region.

Hon. Terry Stratton: Honourable senators, being from Winnipeg, which is one of the cities named on the list of possibilities to locate the gallery, I wish to adjourn the debate so that I may speak on behalf of the city of Winnipeg.

On motion of Senator Stratton, debate adjourned.

THE SENATE

INTRODUCTION OF NEW PAGE

The Hon. the Speaker: Honourable senators, before proceeding to the next item, I would like to introduce another page who is working with us this year.

Hannah Wyile was born in Fredericton New Brunswick; grew up in Edmonton, Alberta; and now hails from Wolfville, Nova Scotia. She is an ardent lover of music, literature and history. She recently completed her International Baccalaureate Diploma and is now in her first year at Carleton University, studying human rights and political science, with a concentration in international relations.

The Senate adjourned until Thursday, December 6, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(December 5, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Revenue
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. Jim Prentice	Minister of Industry
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Foreign Affairs
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of Canadian Heritage, Status of Women and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)
The Hon. Diane Ablonczy	Secretary of State (Small Business and Tourism)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 5, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujjuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinegan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston–Frontenac–Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.
Bert Brown	Alberta	Kathyrn, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 5, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Brown, Bert	Alberta	Kathyrn, Alta.	Conservative
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinegan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujjuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 5, 2007)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4	Jerahmiel S. Grafstein	Metro Toronto	Toronto
5	Anne C. Cools	Toronto Centre-York	Toronto
6	Colin Kenny	Rideau	Ottawa
7	Norman K. Atkins	Markham	Toronto
8	Consiglio Di Nino	Ontario	Downsview
9	John Trevor Eyton	Ontario	Caledon
10	Wilbert Joseph Keon	Ottawa	Ottawa
11	Michael Arthur Meighen	St. Marys	Toronto
12	Marjory LeBreton, P.C.	Ontario	Manotick
13	Lorna Milne	Peel County	Brampton
14	Marie-P. Poulin	Northern Ontario	Ottawa
15	Francis William Mahovlich	Toronto	Toronto
16	Vivienne Poy	Toronto	Toronto
17	David P. Smith, P.C.	Cobourg	Toronto
18	Mac Harb	Ontario	Ottawa
19	Jim Munson	Ottawa/Rideau Canal	Ottawa
20	Art Eggleton, P.C.	Ontario	Toronto
21	Nancy Ruth	Cluny	Toronto
22	Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Charlie Watt	Inkerman	Kuujjuaq
2	Pierre De Bané, P.C.	De la Vallière	Montreal
3	Jean-Claude Rivest	Stadacona	Quebec
4	Marcel Prud'homme, P.C	La Salle	Montreal
5	W. David Angus	Alma	Montreal
6	Pierre Claude Nolin	De Salaberry	Quebec
7	Lise Bacon	De la Durantaye	Laval
8	Céline Hervieux-Payette, P.C.	Bedford	Montreal
9	Lucie Pépin	Shawinegan	Montreal
10	Serge Joyal, P.C.	Kennebec	Montreal
11	Joan Thorne Fraser	De Lorimier	Montreal
12	Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13	Jean Lapointe	Saurel	Magog
14	Michel Biron	Milles Isles.	Nicolet
15	Raymond Lavigne	Montarville	Verdun
16	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17	Roméo Antonius Dallaire	Gulf	Sainte-Foy
18	Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19	Dennis Dawson	Lauzon	Ste-Foy
20	Yoine Goldstein	Rigaud	Montreal
21	Francis Fox, P.C.	Victoria	Montreal
22	Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23			
24			

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Gerald J. Comeau	Nova Scotia	Saulnierville
2	Donald H. Oliver	South Shore	Halifax
3	Wilfred P. Moore	Stanhope St./South Shore	Chester
4	Jane Cordy	Nova Scotia	Dartmouth
5	Gerard A. Phalen	Nova Scotia	Glace Bay
6	Terry M. Mercer	Northend Halifax	Caribou River
7	James S. Cowan	Nova Scotia	Halifax
8			
9			
10			

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Eymard Georges Corbin	Grand-Sault	Grand-Sault
2	Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton
3	John G. Bryden	New Brunswick	Bayfield
4	Rose-Marie Losier-Cool	Tracadie	Bathurst
5	Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6	Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7	Pierrette Ringuette	New Brunswick	Edmundston
8	Marilyn Trenholme Counsell	New Brunswick	Sackville
9	Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10			

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2	Elizabeth M. Hubley	Prince Edward Island	Kensington
3	Percy Downe	Charlottetown	Charlottetown
4			

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Mira Spivak	Manitoba	Winnipeg
2	Janis G. Johnson	Winnipeg-Interlake	Gimli
3	Terrance R. Stratton	Red River	St. Norbert
4	Sharon Carstairs, P.C.	Manitoba	Winnipeg
5	Maria Chaput	Manitoba	Sainte-Anne
6	Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Pat Carney, P.C.	British Columbia	Vancouver
2	Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
3	Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
4	Mobina S.B. Jaffer	British Columbia	North Vancouver
5	Larry W. Campbell	British Columbia	Vancouver
6			

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	A. Raynell Andreychuk	Saskatchewan	Regina
2	Leonard J. Gustafson	Saskatchewan	Macoun
3	David Tkachuk	Saskatchewan	Saskatoon
4	Pana Merchant	Saskatchewan	Regina
5	Robert W. Peterson	Saskatchewan	Regina
6	Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2	Tommy Banks	Alberta	Edmonton
3	Claudette Tardif	Alberta	Edmonton
4	Grant Mitchell	Alberta	Edmonton
5	Elaine McCoy	Alberta	Calgary
6	Bert Brown	Alberta	Kathyrn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2	William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3	Joan Cook	Newfoundland and Labrador	St. John's
4	George Furey	Newfoundland and Labrador	St. John's
5	George S. Baker, P.C.	Newfoundland and Labrador	Gander
6			

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Willie Adams	Nunavut	Rankin Inlet

YUKON—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1			

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 5, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain, P.C. **Deputy Chair: Honourable Senator Sibbeston**

Honourable Senators:

Campbell,
Carney, P.C.
Dallaire,
Dyck,
Gill,
Gustafson,
* Hervieux-Payette, P.C. (or Tardif),
Hubley,
* LeBreton, P.C. (or Comeau),
Lovelace Nicholas,
Peterson,
St. Germain, P.C.
Segal,
Sibbeston.

Original Members as nominated by the Committee of Selection

*Campbell, Carney, P.C., Dallaire, Dyck, Gill, Gustafson, *Hervieux-Payette, P.C. (or Tardif), Hubley, *LeBreton, P.C., (or Comeau), Lovelace Nicholas, Peterson, St. Germain, P.C., Segal, Sibbeston.*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn, P.C. **Deputy Chair: Honourable Senator Gustafson**

Honourable Senators:

Baker, P.C.,
Callbeck,
Carney, P.C.,
Fairbairn, P.C.,
Gustafson,
* Hervieux-Payette, P.C. (or Tardif),
* LeBreton, P.C. (or Comeau),
Mahovlich,
Mercer,
Peterson,
St. Germain, P.C.,
Segal.

Original Members as nominated by the Committee of Selection

*Bacon, Baker, P.C., Callbeck, , P.C.Carney, Cowan, Fairbairn, P.C., Gustafson, *Hervieux-Payette, P.C. (or Tardif), *LeBreton, P.C. (or Comeau), Mahovlich, Mercer, Peterson, Segal, St. Germain, P.C.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Angus **Deputy Chair: Honourable Senator Goldstein**

Honourable Senators:

Angus,
Biron,
Eyton,
Fitzpatrick,
Goldstein,
Harb,
* Hervieux-Payette, P.C. (or Tardif),
* LeBreton, P.C. (or Comeau),
Massicotte,
Meighen,
Moore,
Ringuette,
Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Cowan, Eyton, Fitzpatrick, Goldstein, Grafstein, Harb, *Hervieux-Payette, P.C. (or Tardif), *LeBreton, P.C. (or Comeau), Massicotte, Meighen, Ringuette, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks **Deputy Chair: Honourable Senator Nolin**

Honourable Senators:

Adams,
Banks,
Brown,
Campbell,
Cochrane,
* Hervieux-Payette, P.C. (or Tardif),
Kenny,
* LeBreton, P.C. (or Comeau),
Milne,
Mitchell,
Nolin,
Sibbeston,
Spivak,
Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Adams, Banks, Brown, Campbell, Cochrane, *Hervieux-Payette, P.C. (or Tardif), Kenny, *LeBreton, P.C. (or Comeau), Milne, Mitchell, Nolin, Sibbeston, Spivak, Trenholme Counsell.*

FISHERIES AND OCEANS

Chair: Honourable Senator Rompkey, P.C. **Deputy Chair: Honourable Senator Cochrane**

Honourable Senators:

Adams,
Campbell,
Cochrane,
Comeau,
Cowan,
Gill,
* Hervieux-Payette, P.C. (or Tardif),
Johnson,
* LeBreton, P.C. (or Comeau),
Meighen,
Peterson,
Robichaud, P.C.,
Rompkey, P.C.,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Campbell, Cochrane, Comeau, Cowan, Gill, *Hervieux-Payette, P.C. (or Tardif), Hubley, Johnson, *LeBreton, P.C. (or Comeau), Meighen, Robichaud, P.C., Rompkey, P.C., Watt.*

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Di Nino **Deputy Chair: Honourable Senator Stollery**

Honourable Senators:

Corbin,
Dawson,
De Bané, P.C.,
Di Nino,
Downe,
Grafstein,
* Hervieux-Payette, P.C. (or Tardif),
Johnson,
* LeBreton, P.C. (or Comeau),
Mahovlich,
Nolin,
Rivest,
Smith, P.C.,
Stollery.

Original Members as nominated by the Committee of Selection

*Corbin, Dawson, De Bané, P.C., Di Nino, Downe, *Hervieux-Payette, P.C. (or Tardif), Jaffer, Johnson, *LeBreton, P.C. (or Comeau), Mahovlich, Nolin, Rivest, Smith, P.C., Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk **Deputy Chair:**

Honourable Senators:

Andreychuk,
Dallaire,
* Hervieux-Payette, P.C. (or Tardif),
Jaffer,
Kinsella,
* LeBreton, P.C. (or Comeau),
Lovelace Nicholas,
Munson,
Oliver,
Pépin,
Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, Dallaire, *Hervieux-Payette, P.C. (or Tardif), Jaffer, Kinsella, *LeBreton, P.C. (or Comeau), Lovelace Nicholas, Munson, Oliver, Pépin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey **Deputy Chair: Honourable Senator Stratton**

Honourable Senators:

Comeau,
Cook,
Cowan,
Downe,
Furey,
Goldstein,
* Hervieux-Payette, P.C. (or Tardif),
Jaffer,
Kinsella,
* LeBreton, P.C. (or Comeau),
Massicotte,
Nancy Ruth,
Phalen,
Prud'homme, P.C.,
Robichaud, P.C.,
Stollery,
Stratton.

Original Members as nominated by the Committee of Selection

*Comeau, Cook, Cowan, Downe, Furey, Goldstein, *Hervieux-Payette, P.C. (or Tardif), Jaffer, Kinsella, *LeBreton, P.C. (or Comeau), Massicotte, Nancy Ruth, Phalen, Prud'homme, P.C., Robichaud, P.C., Stollery, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Fraser **Deputy Chair: Honourable Senator Andreychuk**

Honourable Senators:

Andreychuk,
Baker, P.C.,
Bryden,
Di Nino,
Fraser,
* Hervieux-Payette, P.C. (or Tardif),
Jaffer,
Joyal, P.C.,
* LeBreton, P.C. (or Comeau),
Merchant,
Milne,
Oliver,
Stratton
Watt.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, P.C., Bryden, Carstairs, P.C., Di Nino, Fraser, Furey, *Hervieux-Payette, P.C. (or Tardif), Joyal, P.C., *LeBreton, P.C. (or Comeau), Milne, Oliver, Stratton, Watt.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Lapointe, Oliver, Rompkey, P.C., Trenholme Counsell.
Murray, P.C.,

Original Members agreed to by Motion of the Senate
Lapointe, Murray, P.C., Oliver, Rompkey, P.C., Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day **Deputy Chair: Honourable Senator Stratton**

Honourable Senators:

Biron, De Bané, P.C., * LeBreton, P.C. (or Comeau), Nancy Ruth,
Chaput, Di Nino, Mitchell, Ringuette,
Cowan, Eggleton, P.C., Murray, P.C. Stratton.
Day, * Hervieux-Payette, P.C. (or Tardif),

Original Members as nominated by the Committee of Selection
*Biron, Cowan, Day, De Bané, P.C., Di Nino, Eggleton, P.C., *Hervieux-Payette, P.C. (or Tardif), *LeBreton, P.C. (or Comeau), Mitchell, Moore, Murray, P.C., Nancy Ruth, Ringuette, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny **Deputy Chair: Honourable Senator Tkachuk**

Honourable Senators:

Banks, Kenny, Mitchell, Tkachuk,
Day, * LeBreton, P.C. (or Comeau), Moore, Zimmer.
* Hervieux-Payette, P.C. (or Tardif), Meighen, Nancy Ruth,

Original Members as nominated by the Committee of Selection
*Atkins, Banks, Day, *Hervieux-Payette, P.C. (or Tardif), Kenny, *LeBreton, P.C. (or Comeau), Meighen, Moore, Nancy Ruth, Tkachuk, Zimmer.*

SUBCOMMITTEE VETERANS AFFAIRS

Chair: Honourable Senator Meighen **Deputy Chair: Honourable Senator Day**

Honourable Senators:

Banks,
Day,
* Hervieux-Payette, P.C. (or Tardif),
Kenny,
* LeBreton, P.C. (or Comeau),
Meighen,
Nancy Ruth.

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput **Deputy Chair: Honourable Senator Champagne, P.C.**

Honourable Senators:

Champagne, P.C.,
Chaput,
Comeau,
De Bané, P.C.,
Goldstein,
* Hervieux-Payette, P.C. (or Tardif),
* LeBreton, P.C. (or Comeau),
Losier-Cool,
Murray, P.C.,
Poulin,
Tardif.

Original Members as nominated by the Committee of Selection

*Champagne, P.C., Chaput, Comeau, De Bané, P.C., Goldstein, Harb, *Hervieux-Payette, P.C. (or Tardif), *LeBreton, P.C. (or Comeau), Losier-Cool, Murray, P.C., Tardif.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Keon **Deputy Chair: Honourable Senator Smith, P.C.**

Honourable Senators:

Andreychuk,
Angus,
Brown,
Champagne, P.C.,
Cools,
Corbin,
Cordy,
Fraser,
Furey,
* Hervieux-Payette, P.C. (or Tardif),
Joyal, P.C.,
Keon,
* LeBreton, P.C. (or Comeau),
Losier-Cool,
McCoy,
Robichaud, P.C.,
Smith, P.C.

Original Members as nominated by the Committee of Selection

*Andreychuk, Angus, Brown, Champagne, P.C., Corbin, Cordy, Fraser, Furey, Grafstein, *Hervieux-Payette, P.C. (or Tardif), Joyal, P.C., Keon, *LeBreton, P.C. (or Comeau), Losier-Cool, McCoy, Robichaud, P.C., Smith, P.C.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

Bacon,	Bryden,	Harb,	Nolin,
Biron,	Eyton,	Moore,	St. Germain, P.C.

Original Members as agreed to by Motion of the Senate
Biron, Bryden, Cook, Eyton, Harb, Moore, Nolin, St. Germain, P.C.

SELECTION

Chair: Honourable Senator Segal **Deputy Chair: Honourable Senator Cowan**

Honourable Senators:

Bacon,	Fraser,	Nancy Ruth,	Stratton,
Cowan,	* Hervieux-Payette, P.C. (or Tardif),	Robichaud, P.C.,	Tkachuk.
Fairbairn, P.C.,	* LeBreton, P.C. (or Comeau),	Segal,	

Original Members agreed to by Motion of the Senate
*Bacon, Cowan, Fairbairn, P.C., Fraser, *Hervieux-Payette, P.C. (or Tardif), *LeBreton, P.C. (or Comeau), Nancy Ruth, Robichaud, P.C., Segal, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton, P.C. **Deputy Chair: Honourable Senator Keon**

Honourable Senators:

Brown,	Cook,	* Hervieux-Payette, P.C. (or Tardif),	Munson,
Callbeck,	Cordy,	Keon,	Pépin,
Champagne, P.C.,	Eggleton, P.C.,	* LeBreton, P.C. (or Comeau),	Trenholme Counsell.
Cochrane,	Fairbairn, P.C.,		

Original Members as nominated by the Committee of Selection
*Brown, Callbeck, Champagne, P.C., Cochrane, Cook, Cordy, Eggleton, P.C., Fairbairn, P.C., *Hervieux-Payette, P.C. (or Tardif), Keon, *LeBreton, P.C. (or Comeau), Munson, Pépin, Trenholme Counsell.*

SUBCOMMITTEE ON CITIES

Chair: Honourable Senator Eggleton, P.C. **Deputy Chair: Honourable Senator Champagne, P.C.**

Honourable Senators:

Champagne, P.C.,
Cordy,
Eggleton, P.C.,
* Hervieux-Payette, P.C. (or Tardif),
Keon,
* LeBreton, P.C. (or Comeau),
Munson,
Trenholme Counsell.

SUBCOMMITTEE ON POPULATION HEALTH

Chair: Honourable Senator Keon **Deputy Chair: Honourable Senator Pépin**

Honourable Senators:

Brown,
Callbeck,
Cochrane,
Cook,
Fairbairn, P.C.,
* Hervieux-Payette, P.C. (or Tardif),
Keon,
* LeBreton, P.C. (or Comeau),
Pépin.

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon **Deputy Chair: Honourable Senator Oliver**

Honourable Senators:

Adams,
Bacon,
Dawson,
Eyton,
Fox, P.C.,
* Hervieux-Payette, P.C. (or Tardif),
Johnson,
* LeBreton, P.C. (or Comeau),
Mercer,
Merchant,
Oliver,
Phalen,
Tkachuk,
Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Dawson, Eyton, Fox, P.C., *Hervieux-Payette, P.C. (or Tardif), Johnson, *LeBreton, P.C. (or Comeau), Mercer, Merchant, Oliver, Phalen, Tkachuk, Zimmer.*

AGING (SPECIAL)

Chair: Honourable Senator Carstairs, P.C. **Deputy Chair: Honourable Senator Keon**

Carstairs, P.C.,
Chaput,
Cools,
Cordy,
* Hervieux-Payette, P.C. (or Tardif),
Keon,
* LeBreton, P.C. (or Comeau),
Mercer,
Stratton.

Original Members as nominated by the Committee of Selection

*Carstairs, P.C., Chaput, Cools, Cordy, *Hervieux-Payette, P.C. (or Tardif), Johnson, *LeBreton, P.C. (or Comeau), Mercer, Nolin.*

ANTI-TERRORISM (SPECIAL)

Chair: Honourable Senator Smith, P.C.

Deputy Chair: Honourable Senator Nolin

Andreychuk,
Baker, P.C.,
Day,
Fairbairn, P.C.,
* Hervieux-Payette, P.C. (or Tardif),
Jaffer,
Joyal, P.C.,
* LeBreton, P.C. (or Comeau),
Nolin,
Segal,
Smith, P.C.

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, P.C., Fraser, *Hervieux-Payette, P.C. (or Tardif), Jaffer, Joyal, P.C., Kinsella, *LeBreton, P.C. (or Comeau), Nolin, Smith, P.C.*

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THE SENATE

Thursday, December 6, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

EIGHTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I rise today to speak in recognition of the National Day of Remembrance and Action on Violence Against Women. This day was established by the Parliament of Canada in 1991 and marks the sad anniversary of the murder of 14 young women at l'École Polytechnique in Montreal.

We all remember that late afternoon on December 6, 1989, when the entire country was floored by the horror of the mass murder committed against women. Fourteen young women were killed and many more were injured. Do you remember what shocked us the most? They were all dead simply because they were women.

The day after the killings, feminists asked themselves whether they had gone too far. Today, 18 years later, the answer is a resounding no. The commemoration of this tragedy reminds us that the scourge of violence against women and children persists today.

Everywhere in the world, women are victims of violence every day. They are victims of sexual harassment, assault, trafficking, workplace harassment, honour killings, femicide, forced prostitution, female genital mutilation. The list is quite long.

[*English*]

In our country alone, according to Statistics Canada, nearly 1,600 women and children were admitted into shelters between April 1, 2005 and March 31, 2006 — most often to escape from violence.

In Ontario, government statistics confirmed that between 1975 and 2004, on average, 25 women a year were killed by their spouses.

[*Translation*]

As United Nations Secretary-General Ban Ki-Moon said on the International Day for the Elimination of Violence against Women on November 25:

> Violence against women continues to persist as one of the most heinous, systematic and prevalent human rights abuses in the world. It is a threat to all women, and an obstacle to all our efforts for development, peace and gender equality in all societies.

We cannot remember these events without taking action and finding ways to prevent tragedies like the one at l'École Polytechnique from ever happening again. In the days after the killings, Canadians called for stricter gun control. In 1995, the Liberal Party implemented a gun registry for all types of firearms.

[*English*]

The Supreme Court of Canada confirmed the validity of the Firearms Act in 2000, arguing that its primary purpose is to ensure public safety. According to the court, all firearms are dangerous since they are likely to kill and mutilate. Why is it that in 2007 the government is trying to kill the gun registry in tiny increments even though police associations have said it helps to save lives?

[*Translation*]

Honourable senators, in addition to commemorating the anniversary of the mass murder at l'École Polytechnique, this day should forever be devoted to the memory of women and girls who are victims of sexist violence.

• (1340)

In honour of their memory and so they will not be forgotten, I will read out the names of the young women of l'École Polytechnique. There was great hope for these young women, and the parents of Quebec mourn their loss. Geneviève Bergeron, 21, an engineering student; Hélène Colgan, 23; Nathalie Croteau, 23; Barbara Daigneault, 22; Anne-Marie Edward, 20; Maud Haviernick, 29; Barbara Marie Klueznik, 31; Maryse Laganière, 25; Maryse Leclair, 23; Anne-Marie Lemay, 27; Sonia Pelletier, 28; Michèle Richard, 21; Annie St. Arneault, 23; and Annie Turcotte, 21, an engineering student.

For all these women and for the families who lost a loved one, I would ask that we observe a minute of silence.

[*English*]

Hon. Janis G. Johnson: I concur with the comments and remarks of the Leader of the Opposition in the Senate. I would like to go on record to remind people about this kind of prevalent, global violence.

Eighteen years ago on December 6, Mr. Lépine shot and killed 14 women at the École Polytechnique. There was a similar rampage yesterday, in Omaha, Nebraska. This man was not claiming he was fighting feminism; he wanted publicity. Mr. Lépine was fighting feminism in his own disturbed mind.

December 6 has since been chosen as the National Day of Remembrance and Action on Violence Against Women. It is a day set aside to remember these 14 young women and to call Canadians to action to end violence against women in all its forms.

As my colleague said, women experience violence in their everyday lives, emotional and physical, and there are many forms of abuse. There is more of it out in the open now and more action being taken on many fronts, but it is still not enough. With our increasing population and immigration, the issue must to be looked at in a different light to encompass different cultures in this country.

According to the Canadian Association of Elizabeth Fry Societies, 51 per cent of women have been victims of at least one physical or sexual act of violence since the age of 16 years. Eighty-three per cent of women with disabilities will be sexually abused in their lifetime, and 40 per cent to 80 per cent of girls with intellectual disabilities will be sexually abused before they are 18 years of age. I saw this firsthand in my work with the Special Olympics and the mentally handicapped over the past 30 years; it was a constant challenge.

Behind each number is a face and name that belongs to someone's mother, daughter or sister. She could be a survivor, living each day with emotional and physical scars and the idea of a woman's life cut too short.

We need to work together and call on all people, not just women, to bring the violence against women to an end. The honourable senator has read the names, so I will not do so again. I hope you will all work in your daily lives toward this goal.

QUEEN'S YORK RANGERS AND AURORA ARMOURY

Hon. Vivienne Poy: Honourable senators, on November 7, 2007, I had the privilege of attending a ceremony in Aurora, Ontario, in which the Ontario Heritage Trust and the Queen's York Rangers unveiled a plaque to commemorate the armoury's long and historic association with the Queen's York Rangers.

The armoury was built in 1874 as a drill shed for the 12th Battalion of Infantry which is the predecessor of today's Queen's York Rangers. It is the oldest purpose-built armoury still used by the military in Ontario. It was built to train civilian soldiers recruited from local communities.

• (1345)

The Aurora drill shed, as it was called, was one of many similar structures built from the 1860s onwards. Civil defence training facilities for volunteer militia were seen as crucial in a period of border insecurity, particularly with the withdrawal of the British Army garrisons by 1871.

The Aurora Armoury allowed volunteer militia units to train during inclement weather and in the evening, when there was no natural light for outdoor drills. It was part of the early development of Canada's defence capabilities during the period around Confederation, with the young country's growing concern for its increasing vulnerability.

The Queen's York Rangers, also known as the 1st American Regiment, have a remarkable history. In 1885, they served in the Riel Rebellion. Some of its members also volunteered in the South African Boer War of 1899-1902. The Queen's York Rangers contributed members to the Canadian Expeditionary Forces during the First and Second World Wars, both overseas as well as in Canada, as part of the home defence force. Today, Rangers volunteer in Afghanistan, and the regiment remains a vital element within the Royal Canadian Armoured Corps.

One hundred and thirty years after its creation, the Aurora Armoury remains a thriving facility, home to part of the Queen's York Rangers. It also serves the 2799 Royal Canadian Army Cadet Corps, which provides citizenship and leadership training for our youth within a military environment.

It was a great honour for me to attend the plaque presentation at the Aurora Armoury, which serves to remind us of an important period in Canadian history.

JOB PROTECTION FOR MILITARY RESERVISTS

Hon. Hugh Segal: Honourable senators, I rise today to do something quite uncharacteristic. I want to congratulate the Liberal McGuinty government of Ontario for introducing legislation that will provide job protection for Canada's military reservists. I am pleased that Ontario is following the lead of Manitoba, Saskatchewan, Nova Scotia and Prince Edward Island. I am also most gratified that the McGuinty government is legislating the private member's bill that came from Progressive Conservative M.P.P. Gerry Martiniuk of Cambridge in the last Parliament.

Ontario, Canada's most populous province, needs such legislation, as does the country as a whole. The Canadian government's commitment expressed in the recent Throne Speech regarding reservist job protection at the federal level, the work being done with the provinces by Minister Blackburn and the motion unanimously passed by this chamber more than one year ago all have contributed and will continue to contribute to the move forward on this most important matter.

Just this past weekend, the Brockville *Recorder & Times* reported that the Brockville Rifles in the County of Leeds is preparing for their biggest deployment of soldiers since the Second World War. By next September, up to 20 reservists from the unit, about 15 per cent of its total effective strength, will have their boots on the ground in Kandahar. Senior members of the unit will leave for Kandahar in the spring, and Lieutenant-Colonel Robert Parent, commanding officer of the Brockville Rifles, will assume one of the senior positions in Kandahar as chief of staff of the Joint Task Force headquarters.

The main group of soldiers from the Brockville Rifles heading to Afghanistan will be attached to the 3rd Battalion Royal Canadian Regiment based out of Petawawa. The Princess of Wales Own Regiment, our regiment in Kingston, currently has nine reservists also training in Petawawa who are slated to be part of this same mission.

Kingston's HMCS *Cataraqui*, on the shores of Lake Ontario, has two members currently deployed in Afghanistan and two more who are in training for deployment next spring. These soldiers will perform a wide range of duties, from gate guards and camp security at the Kandahar Air Field to escorts and convoys.

I pay tribute to these 33 men and women, their patriotism and strength of character, and I congratulate the Ontario government for bringing in legislation to offer job protection for reservists from Kingston-Frontenac-Leeds and from all of Ontario.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

PRINCE EDWARD ISLAND— PURPLE RIBBON CAMPAIGN

Hon. Catherine S. Callbeck: Honourable senators, I know I will never forget where I was and what I was doing on December 6, 1989, when I heard that 14 young women were murdered — were in fact singled out because they were women — at the École Polytechnique in Montreal. There is no doubt that those murders were a senseless tragedy that left us in deep mourning.

• (1350)

As a memorial to the lives that were lost, the Prince Edward Island Advisory Council on the Status of Women started a Purple Ribbon Campaign in 1992. The campaign serves not only to commemorate those 14 young women, but it also remembers all women who have died violently or who, even now, live with abuse. It is an opportunity to increase public awareness about violence against women.

The Prince Edward Island Purple Ribbon Campaign started 16 years ago as a small endeavour with only 500 ribbons. This year, hundreds of volunteers prepared 35,000 purple ribbons to be distributed all over the Island. Also, to commemorate this day, memorial services are being held across the province — in Charlottetown, Summerside, O'Leary and at the University of Prince Edward Island.

This year's campaign explores the idea that violence against women is an equality issue. Violence controls these women's lives, on Prince Edward Island, in the rest of the country, and around the world. This violence keeps them from participating in society and leading full and productive lives. The campaign calls for equality in relationships — balanced, non-violent and non-abusive partnerships.

Honourable senators, we must never forget those 14 young women in Montreal, nor the thousands of other women who have died violently. We must also do all we can to assist women who live with violence every day, and spread the message that violence against women everywhere must stop.

HALIFAX EXPLOSION

Hon. Donald H. Oliver: Honourable senators, I would like to add my comments to my colleague Senator Carstairs's statement delivered in this chamber on Tuesday, December 4, about one of the biggest tragedies in Canadian history, the 1917 Halifax explosion. Honourable senators, today, December 6, marks the ninetieth anniversary of this event.

Since 1971, the people of Nova Scotia have been sending to Boston, Massachusetts, a giant Christmas tree in an act of thanks, gratitude and remembrance for the immediate help provided by Bostonians on that cold winter day so many years ago. The Nova Scotia Christmas tree is Boston's official Christmas tree for its yearly televised lighting in the Boston Common. This year's tree lighting was on November 29.

The Nova Scotia Department of Natural Resources has a Christmas tree specialist who scouts the province throughout the year, trying to find the perfect tree. There are even Nova Scotians themselves who will call the department to point out potential trees that they found out in the bush while hunting or fishing, a tree they had heard about or a tree that was on their property that they would like to have sent to Boston.

According to the website for the Nova Scotia Department of Natural Resources, there are even specifications for the selecting of the tree. It must be 40 or 50 feet high, healthy with good colour, medium to heavy density, uniform and symmetrical, and easy to access.

I am happy to report that the 2007 Boston Christmas tree is a 45-foot white spruce from Granville Centre, a rural town in Annapolis County along the Bay of Fundy in the western end of the province. When it made the 700 kilometre trip to Boston, it was paraded into the Boston Common with its own police escort and, in Nova Scotian fashion, it had its own bagpiper.

As reported by Gordon Delaney of the Halifax *Chronicle-Herald* on November 15 of this year, for this year's tree-cutting ceremony, ". . . several school buses trucked 300 elementary school students to watch the tree" as it was being cut down. "They waved Nova Scotia flags and cheered. There were also at least another 100 people who lined the road and snapped photos." The school children also recited a poem in honour of the event.

At the event in Granville, the Honourable David Morse, Nova Scotia's Natural Resources Minister, said: "With great pride, we present this tree to our friends in Boston, whose outpouring of kindness in 1917 will never be forgotten." This truly is an important event for Nova Scotians.

Honourable senators, I would like to quote another article, from the *Boston Globe*, dealing specifically with this annual Nova Scotia tradition. It was written by Mr. Keith O'Brien and was published on November 26, 2006. He wrote:

> The so-called Boston Tree — the towering spruce that Nova Scotia donates to Boston every Christmas for the city's annual tree-lighting festival — is far more complicated than most of its wooden brethren. People have cried over it, argued about it, even penned song lyrics in its honour.

The article goes on to say ". . .what's often taken for granted" in Boston "is feted, even treasured," by Nova Scotians.

• (1355)

> And so, more than 50 years later —

In 1971.

> — Nova Scotia decided it would thank Boston every November by sending down one very large Christmas tree.

Honourable senators, for 36 years this is how Nova Scotians have been honouring the victims and survivors of the Halifax explosion. This is how we thank the city of Boston, which was the

first to provide medical supplies and doctors to Halifax. It was the closest city that could transport disaster relief by train for those who needed it on this horrific day some 90 years ago.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

EIGHTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, further to the statements made today by the Honourable Senators Hervieux-Payette, Johnson and Callbeck, I ask that we rise for a moment of silence out of respect for the victims of the tragedy at the École Polytechnique and all women who have been similarly critically victimized by violence.

Honourable senators then stood in silent tribute.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, December 6, 2007

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SECOND REPORT

Your Committee recommends that the following funds be released for fiscal year 2007-08.

Aboriginal Peoples (Legislation)	
Professional and Other Services	$ 5,700
Transportation and Communications	$ 1,000
All Other Expenditures	$ 1,000
Total	**$ 7,700**
Agriculture and Forestry (Legislation)	
Professional and Other Services	$ 2,250
Transportation and Communications	$ 1,000
All Other Expenditures	$ 1,000
Total	**$ 4,250**
Banking, Trade and Commerce (Legislation)	
Professional and Other Services	$ 34,000
Transportation and Communications	$ 0
All Other Expenditures	$ 8,000
Total	**$ 42,000**
Energy, the Environment and Natural Resources (Legislation)	
Professional and Other Services	$ 8,000
Transportation and Communications	$ 500
All Other Expenditures	$ 1,500
Total	**$ 10,000**
Foreign Affairs and International Trade (Legislation)	
Professional and Other Services	$ 6,000
Transportation and Communications	$ 750
All Other Expenditures	$ 1,000
Total	**$ 7,750**
Human Rights (Legislation)	
Professional and Other Services	$ 2,500
Transportation and Communications	$ 1,000
All Other Expenditures	$ 1,000
Total	**$ 4,500**
Internal Economy, Budgets and Administration	
Professional and Other Services	$ 5,000
Transportation and Communications	$ 0
All Other Expenditures	$ 0
Total	**$ 5,000**
National Finance (Legislation)	
Professional and Other Services	$ 44,000
Transportation and Communications	$ 12,980
All Other Expenditures	$ 1,000
Total	**$ 57,980**

(includes funds for participation at conferences)

Rules, Procedures and the Rights of Parliament	
Professional and Other Services	$ 9 750
Transportation and Communications	$ 0
All Other Expenditures	$ 0
Total	**$ 9,750**
Scrutiny of Regulations (Joint Committee)	
Professional and Other Services	$ 1,200
Transportation and Communications	$ 1,650
All Other Expenditures	$ 2,640
Total	**$ 5,490**
Transport and Communications (Legislation)	
Professional and Other Services	$ 10,000
Transportation and Communications	$ 8,000
All Other Expenditures	$ 2,000
Total	**$ 20,000**

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY OF FEDERAL GOVERNMENT RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES—REPORT OF COMMITTEE PRESENTED

Hon. Gerry St. Germain: Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on November 21, 2007 to examine and report on matters generally relating to the Aboriginal Peoples of Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GERRY ST. GERMAIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix A, p. 247.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator St. Germain, report placed on Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RURAL POVERTY—REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on rural poverty in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix B, p. 254.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1400)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY—REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on the present state and the future of agriculture and forestry in Canada, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of this study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix C, p. 262.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE—REPORT OF COMMITTEE PRESENTED

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your committee which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place and travel within Canada for the purpose of this study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

W. DAVID ANGUS
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix D, p. 267.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Angus, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE PRESENTED

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTH REPORT

Your committee which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report upon the present state of the domestic and international financial system, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to travel within and outside of Canada, for the purpose of this study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

W. DAVID ANGUS
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix E, p. 279.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Angus, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO MANDATE—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, November 15, 2007, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix F, p. 287.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, November 22, 2007, to examine such issues as may arise from time to time relating to foreign relations generally, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix G, p. 295.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

STATUTES REPEAL BILL

REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to table its

SECOND REPORT

Your committee, to which was referred Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, has, in obedience to the Order of Reference of Wednesday, November 28, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Tommy Banks: Honourable senators, I have the temerity to propose that this bill be read a third time now.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Banks: I move that third reading of this bill be considered at the next sitting of the Senate.

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1405)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Deputy Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report on the national security policy for Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

DAVID TKACHUK
Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix H, p. 301.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Tkachuk, for Senator Kenny, report placed on Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER— REPORT OF COMMITTEE PRESENTED

Hon. Joseph A. Day, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on the services and benefits provided to veterans in recognition of their services to Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, to adjourn from place to place within Canada, and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
For Colin Kenny, chair of the committee

(*For text of budget, see today's* Journals of the Senate, *Appendix I, p. 315.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, December 6, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FOURTH REPORT

Your committee, which is authorized, pursuant to rule 86 (1)(f): i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate; ii) upon a reference from the Senate, to examine and, if required, report on any question of privilege; and iii) to consider the orders and customs of the Senate and privileges of Parliament, respectfully requests that it be empowered to adjourn from place to place within Canada and to travel inside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT J. KEON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

(*For text of budget, see today's* Journals of the Senate, *Appendix J, p. 325.*)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on November 20, 2007 to examine and report on population health, respectfully requests that it be empowered to engage

the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT KEON
Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix K, p. 330.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1410)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on November 20, 2007, to examine and report on cities, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT KEON
Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix L, p. 338.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— STUDY ON CONTAINERIZED FREIGHT TRAFFIC— REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on November 14, 2007, to examine and report on containerized freight traffic handled by Canada's ports, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada, for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix M, p. 334.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting, I will move:

That, notwithstanding the Order adopted by the Senate on October 18, 2007, when the Senate sits on Wednesday, December 12, 2007, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to Rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, December 12, 2007, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1415)

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on December 6, 1989, 14 young women were killed in Montreal at École Polytechnique. On this, the eighteenth anniversary of the tragedy, can the Leader of the Government in the Senate stand in this chamber and explain why her government wants to abolish the long-gun registry?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I, too, well remember what I was doing on that bitterly cold December day back in 1989. As the Prime Minister said this morning, the scale of this tragedy was shocking, but even more horrifying was the killer's motive because every one of the victims was a young woman.

With regard to Senator Tardif's question on the long-gun registry, I have said many times in this place that there is a lot of confusion concerning the gun control laws in this country. The strictest gun control laws in this country were, in fact, brought in by Conservative governments. In the mid-1990s, the government of the day, Mr. Chrétien's government, brought in legislation establishing the long-gun registry. I can paraphrase, but if the honourable senator checks the record, at the time that legislation was before the Senate, I asked the question as to whether the money that was to be spent on this long-gun registry would not be better spent on border security and homes for battered women. I do not remember my exact words.

It was a foretelling statement because had the money been spent on border security and homes for abused women, I believe we would have gone a long way to addressing some of the concerns today.

With respect to the government's policy, our government is committed to effective gun control that strengthens the licensing system. In Budget 2007, we allocated $14 million to improve front-end screening for first-time firearm licensed applicants to prevent firearms from falling into the wrong hands. The Auditor General reported that $1 billion was wasted on the long-gun registry. We have introduced legislation that will repeal the requirement for individuals and businesses to register non-restricted long guns and will require firearms retailers to record all sales of non-restricted firearms, which was the case prior to the imposition of the long-gun registry. That was something we had put on the books ourselves.

Firearm owners, or those who wish to acquire firearms or ammunition, will still have to hold a valid firearms licence and comply with all safe storage requirements, and the registration of prohibited and restricted firearms, such as handguns, will continue to be in effect, as was the case when we brought in the legislation in the late 1980s and early 1990s.

[*Translation*]

Senator Tardif: Honourable senators, that is not what we are hearing from police forces across the country. Every day, nearly 5,000 requests are received by the Canadian Police Information Centre from police forces across Canada.

How can anyone justify eliminating such an important law enforcement tool, one that saves lives?

[*English*]

Senator LeBreton: I have answered this question previously. There are various interpretations of the validity of the information to which the police have access. It is part of a much bigger field of inquiries they make, firearms registry being one.

It is also well known that the serious problem with firearms use in this country is banned illegal firearms and handguns, most of which are smuggled into the country, and it makes me proud that I had the foresight many years ago to say we should be strengthening our borders.

• (1420)

The long gun registry was a costly program that was not effective. We are committed to strict gun control and we always have been. The difficulty in the minds of some is the issue of the long gun. The lines between the long gun registry and strict firearm controls are blurred.

STATUS OF WOMEN

RESTORATION OF PROGRAMS INVOLVING WOMEN'S ADVOCACY AND RESEARCH FOR EQUAL ACCESS TO JUSTICE

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. As the minister knows, today is a very sad day in our country. The events that occurred 18 years ago are etched in the memory of all Canadians, who will never forget those young women who dared to dream to become engineers and were savagely killed. In fact, today, 51 per cent of Canadian women over the age of 16 still experience an act of physical or sexual violence in their lifetime.

Since taking office, the Conservative government has closed 12 Status of Women Canada regional offices, a $5 million cut to a modest budget of $13 million; eliminated the Court Challenges Program and the Law Commission, a $5.2 million cut; and refuses to fund women's advocacy groups. As a result of these aggressive measures, women's equality-seeking organizations are finding it more difficult to carry out their work.

Honourable senators, that work supports vulnerable women in our society. Instead of trying to silence women who speak out for equality, the federal government should be restoring funds for women's advocacy and research for equal access to justice.

May I call on the honourable leader to take leadership to help restore these programs? What will she be doing?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I will be supporting what the government has been doing, putting more money into the Status of Women Canada to fund programs directly into the communities, where those funds are required; and not into offices, where advocates sit around and talk to each other.

As I have said before, our government believes in the full participation of women in Canadian society. We will continue to support women through programs that are managed effectively. Those are important words: "managed effectively."

Budget 2007 provided a new, refocused women's program at Status of Women Canada with an annual budget of $15.3 million, the highest budget in its history. The women's program supports projects that have a direct impact on women in their communities, as I said a moment ago, in such areas as violence against women and girls. The second call for proposals for funding under the Women's Community Fund is currently under way. The first calls for proposals were issued in June. On October 11, Minister Verner announced 60 projects that would receive funding totalling $8 million. If the honourable senator checks the record instead of believing the rhetoric, she will see that we are putting real money into the community, where we can address the issues that women face — not at the advocacy level, but in the community where women live and work.

FUNDING OF HOMES FOR BATTERED WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, when the honourable leader was speaking about the gun registry years ago, she said money should be put toward homes for battered women. Since her government has come to power, how many homes for battered women has the government funded?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I replied to that question in my earlier answer to Senator Jaffer. In response to the actions of the previous government that was spending all this money on the long-gun registry, we found out that $1 billion was spent. I made that comment in the context of an action the government has taken.

I just mentioned to the honourable senator that Minister Verner has announced 60 projects that will receive funding totalling $8 million. I will be very happy to provide Senator Jaffer with a description from Minister Verner in regard to the types of projects that were funded.

Also, in November, Minister Verner announced funding for a project in Quebec to help women aged 55 to 65 re-enter the work force. She also announced funding for an outreach program in British Columbia to help senior women who are experiencing abuse. As the honourable senator knows, as the Secretary of State for Seniors, I recently attended an FTP meeting in Saskatchewan. One of the subjects that received the most attention from not only the federal government, but also provincial and territorial governments was the issue of elder abuse.

[*Translation*]

PUBLIC SAFETY

PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with the gun registry, which she rebuffed somewhat cavalierly.

This registry, in its current state — and I insist — has the support of the Canadian Association of Chiefs of Police, the Canadian Professional Police Association, the premiers and attorneys general of Quebec and Ontario, the Centre for Suicide Prevention, the Canadian Paediatric Society, the Canadian Association of Emergency Physicians and more than 40 women's groups.

How can your government ignore the repeated appeals from these concerned parties? Does the government think they are all wrong?

• (1425)

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): We are not ignoring the continued cries from these people, as the honourable senator says. What we are trying to do, whether through Status of Women programs, measures to address issues of youth violence or the criminal justice measures we are bringing in on sentencing, which is part of Bill C-2 — I am eager to get that bill through this place — is to strengthen our support and our laws.

Senator Fox is quite wrong in saying that we are ignoring these concerns. We are trying to deal at the community level with these very serious problems. Anyone who would suggest that we are ignoring the cries of victims of various crimes is not paying attention to what the government is doing.

Senator Fox: I have a supplementary question. The minister is saying that I am wrong. Obviously, what she is saying is that all the associations I listed are wrong. It is a question of fact that they are all supporting the gun registry in its current form.

MARKING OF IMPORTED FIREARMS

Hon. Francis Fox: The minister responded to me in terms of the criminal justice package. I should like to ask her another question, then.

According to news reports, cabinet quietly passed an order two weeks ago delaying measures to have imported guns marked. In a letter co-signed by the President of the Canadian Police Association, the Canadian Association of Chiefs of Police and the Canadian Association of Police Boards to Mr. Day, they noted that the U.S. has had import-marking regulations since 1968 and that Canada is obligated to require importers to mark firearms from originating countries under the UN Firearms Protocol and the Organisation of American States Firearms Convention.

The police leaders told Mr. Day that import marking helps police trace guns involved in crime, even if their serial numbers are obliterated. The system can shorten firearms tracing times to hours versus months, the letter said.

How can the government pretend to advance a crime-reduction program while refusing to adhere to basic standards concerning the importation of arms into this country? Please do not tell me I am wrong.

Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I shall not tell the honourable senator he is wrong; I shall tell him that this government measure is exactly the same decision that was taken by the previous government on the very same issue. There has been a lot of consultation on this issue with many stakeholders, including several Liberal members of Parliament who wrote to Minister Day about this issue. The government decided to defer, as did the previous government, the firearms marking regulations to December 1, 2009.

That decision was taken to allow us to consult the law enforcement agencies and industries in order to look at all options for marking and to examine similar initiatives in other countries.

Currently, all legal firearms can be traced through serial numbers located on the firearms. This will not change.

As I have said before, our government is committed to the safety of all Canadians. We believe in strong and effective gun control. As I mentioned earlier, we are investing $14 million over two years to improve front-end screening for firearms licence applicants.

Senator Fox: In light of the fact that the measures are endorsed by all of the organizations I have just mentioned — all involved in preventing and fighting crime — how does the government's position make Canadian streets safer for Canadians?

Senator LeBreton: The honourable senator claims that many people supported this. That is true, but there are many people who had opposing views including, as I mentioned, several Liberal members of Parliament who personally wrote to Minister Day.

• (1430)

All legal firearms have serial numbers. We are not delaying this measure for any great length of time; we are simply delaying it until December 1, 2009, in order to ensure that all groups who have a view on this subject are consulted, which was the case in the previous government as well. I suppose those same Liberal MPs made their views known to them. The government would not make a decision that would cause a situation in which our streets are less safe. That is why we are bringing in strong justice legislation. These pieces of legislation are meant to act as measures to make our communities and streets safer. We want to make all elements of society safer by addressing victims of crime, drugs, youth, gun crimes, provisional sentencing and other issues.

JUSTICE

POSSIBLE CLEMENCY ORDER REGARDING ROBERT LATIMER

Hon. W. David Angus: Honourable senators, I have a question for the Leader of the Government in the Senate. Like thousands of other Canadians, I was deeply moved last evening watching the various television reports with respect to the latest travails of Mr. Robert Latimer. As I am sure honourable senators know, yesterday, the National Parole Board panel denied Mr. Latimer day parole from the William Head Institution near Victoria. Following his conviction for second-degree murder after killing his severely-disabled daughter, he has served seven years at that institution. This is a tragic case which has raised complex legal issues and has been the subject of national debate on euthanasia. Quite apart from these issues, there is a poignant human issue that I suggest cries out for immediate resolution on compassionate grounds.

In the case of Mr. Latimer, is the government prepared to consider a clemency order, as was recommended at the time of conviction by the jury and the trial judge?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I saw the same broadcast last night and the comments of various people in civil liberties organizations. I have not been part of any discussion around these issues, but I will be happy to take the honourable senator's question as notice.

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, for the past two days, I have had the pleasure of asking the Minister of Public Works and Government Services questions about the polls conducted by his government. Today, I would like to know whether a date has been set for tabling Mr. Paillé's report and when the minister plans to make the report public.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I met with Mr. Paillé on October 5. I said yesterday, and I will say again today, that when we are ready to table this report, the senators will be notified. We hope to table the report very soon, and we will do so in the taxpayers' best interests. The issue of public opinion polls required by the various departments is very important to the federal government.

Senator Hervieux-Payette: Honourable senators, we are dealing with two issues here. The first is the release of a report that can be studied by parliamentarians and the Canadian public. This report might help you set all the criteria for your policy. Clearly, the report itself can be read independently by a number of experts in the field.

The other issue has to do with the recommendations. Would the minister consider making the report public so that we can help him set the criteria?

Senator Fortier: That is a rather alarming proposal. The honourable senator is asking the government to rely on parliamentarians to come up with solutions. She will understand that I am going to refuse her proposal. I assume that she made the offer in the spirit of sharing at Christmas.

When we table this report, we will have proposals directly related to Mr. Paillé's recommendations. This is how reports are treated when they are taken seriously. The honourable senator is well aware of this, as she has been here much longer than I have.

• (1435)

It is not a matter of shelving reports and then not doing anything with them. On the contrary, we have to treat them seriously, consider the proposed recommendations and provide Canadians with possible solutions.

Senator Hervieux-Payette: Perhaps the minister should attend standing senate committee meetings more often. He would learn that the Senate's standing committees write very serious recommendations that, if taken into account, could help the minister and probably save the taxpayers some money.

Since the report is on Liberal Party polls, members of the Senate committees might be able to provide some expertise that the minister is lacking for having been in the new government for such a short time.

The Senate has studied a number of other issues in the past and has always made recommendations in the interest of Canadians, rising above partisanship. I think the Senate has excellent committees, the Standing Senate Committee on Legal and Constitutional Affairs in particular could focus on the standards and other committees could examine the report.

I want to point out that we, on our side, are prepared to take concrete action to ensure that Canadians are better served in the future when it comes to polls.

Senator Fortier: Honourable senators, the suggestion by the Leader of the Opposition is interesting. However, if the Standing Senate Committee on Legal and Constitutional Affairs is so proactive, then why would it want to look at this today?

In 2003, the Auditor General looked at the problems with public opinion and polls. Where was this famous committee in 2005 when she talked about it? What was it doing? It was doing nothing, as usual.

POLLING ON SUPPORT FOR FIREARMS REGISTRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, to come back to a more constructive dialogue, I want to remind my colleague that the biggest spending on polls occurred on his watch.

Since there is no moratorium for now, we could suggest that the minister commission a poll to find out whether Canadians still want a firearms registry. The minister could use the information to amend our bills.

Senator Fox: Good idea!

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, unlike other governments, we do not take polls in order to run the country.

Senator Dawson: They commission polls for nothing.

Senator Fortier: I know that Senator Hervieux-Payette can make the distinction, since she is the political lieutenant of the leader of the official opposition. I know she has judgment. What we are talking about here is very different. We are talking about publishing a report that asks for each and every person's opinion.

I will be pleased to answer questions when everyone has read the proposed suggestions. I think that would make more sense. If your famous committee wants to address the issue and provide other possible solutions, I am always ready to hear them.

[*English*]

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. James S. Cowan: My question is also for the Minister of Public Works and Government Services. On Tuesday, Senator Hervieux-Payette asked the minister about the out-of-control polling expenditures being incurred by this government, some $31.7 million in 2006-07. In response, he said, "In order to impose parameters on polling, the government, effective today, will ask all its departments to refrain from using public funds for polls until further notice."

Senator Hervieux-Payette asked for clarification, and the minister replied that this directive, this policy initiative, ". . . will apply to the entire public service until parameters are established for polls commissioned and paid for by the public service."

Within hours, that very clear and very correct announcement was contradicted by the minister's own director of communications. I am sure the minister will understand why Canadians find it hard to believe that his definitive statement on Tuesday was a mere slip of the tongue.

My question to the minister is a simple one: Was this reversal of his very sound policy decision dictated by the Prime Minister's Office? Who runs the minister's department: the minister or the Prime Minister?

• (1440)

Hon. Michael Fortier (Minister of Public Works and Government Services): I explained the matter yesterday in French. That is probably why the honourable senator missed it.

Senator Cowan: That is a cheap shot.

Senator Fortier: This is an important matter. I answered that question yesterday. If the honourable senator had been listening yesterday, he would know that I apologized for having misled the Leader of the Opposition. I was clear yesterday. I invite him to read the transcript from yesterday, and he will find exactly what I said.

AGRICULTURE AND AGRI-FOOD

PROBLEMS FACING LIVESTOCK PRODUCERS

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Livestock producers in Canada are in a crisis situation. In my home province of Prince Edward Island, close to one in three hog operations have gone out of business in recent weeks. The beef industry in my province is facing the loss of a number of operators — operations that have been family farms for generations.

Given the crisis faced by the livestock producers across the country, why has the Conservative government not offered immediate assistance so that these producers will not be forced from their livelihood?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The situation facing beef and pork producers is not unique to Prince Edward Island, as she knows. As a result of some of the border issues and the appreciating Canadian dollar, difficulties have been caused in the livestock industry, as in other industries across the country.

Mr. Ritz, the Minister of Agriculture, has been meeting with beef and hog producers and discussing the scope and the seriousness of the problem. I will be happy to ask Minister Ritz to provide me with the results of his deliberations thus far.

Senator Callbeck: Certainly, I know that this situation is not unique to Prince Edward Island. In my question, I said that these problems are happening all across the country.

I hope that the minister will return with an answer the first of the week, because this is a crisis situation and livestock farmers cannot wait.

Those of us on the Standing Senate Committee on Agriculture and Forestry have heard from livestock producers who state they need immediate and substantial assistance right now in order to survive. They are not thinking about next year. They are worried about making it through the next couple of weeks and being able to put presents under the Christmas tree. That is how critical this situation is.

Will the leader impress upon her cabinet colleagues that funding is needed now, that producers will not survive and that they will be out of business if this government does not act immediately?

Senator LeBreton: I will do my best, honourable senators.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on November 21, 2007, by Senator Callbeck regarding Passport Canada and demand for a passport office in Prince Edward Island.

FOREIGN AFFAIRS

PRINCE EDWARD ISLAND—PASSPORT OFFICE

(*Response to question raised by Hon. Catherine S. Callbeck on November 21, 2007*)

The Government recognizes that Canadians need access to passport services wherever they reside.

Passport Canada is continuously looking at ways to improve client services while prudently managing its funds in order to ensure an accessible, reliable, flexible and efficient service at a reasonable cost. As Passport Canada is funded through revenues received from its fees, the opening and expansion of Passport Canada offices is based on the financial sustainability of such initiatives. This reasoning applies to all regions across Canada, including PEI.

Historically, passport offices have been located in large urban centres to maximize the accessibility rate in Canada. Today, with the assistance of the Receiving Agent program:

- Over 75 per cent of passport applicants reside within 10 kilometres of a passport point of service.
- Over 88 per cent of passport applicants reside within 25 kilometres of a passport point of service.
- Over 95 per cent of passport applicants reside within 50 kilometres of a passport point of service.
- Over 98 per cent of passport applicants reside within 100 kilometres of a passport point of service.

A key element of Passport Canada's service strategy is to offer efficient and economic alternatives such as receiving agents, where it is not financially sustainable to open new offices. The Receiving Agent Program, developed in partnership with Canada Post and Service Canada, helps broaden access for Canadians to passport services in urban, rural and northern areas.

Receiving agents assist citizens with their standard passport application by reviewing it on-site for completeness and forwarding it on their behalf to Passport Canada for processing. They also accept payment and provide a file number for the application.

This year, Passport Canada, in collaboration with Service Canada, has opened over 60 new service points across the country. Between passport offices and receiving agents, there are now more than 190 service points across Canada, compared to just 30 in 2003.

Service Canada receiving agents are available in O'Leary, Montague and Souris. Canada Post receiving agents are also available in Charlottetown and Summerside.

Under normal circumstances, passport applications sent through receiving agents are processed in four weeks or 20 business days.

For security reasons, all passport applicants requesting urgent services are required to make a personal appearance at a full service Passport Canada office to allow for an immediate and thorough verification of identity.

[*English*]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I wish to introduce two pages who are with us from the House of Commons.

Elizabeth Dubois of Dartmouth, Nova Scotia, is enrolled in the faculty of arts in the University of Ottawa, where she is majoring in political science and history.

Anthony Maher is majoring in communications at the faculty of arts at the University of Ottawa. Anthony is from St. John's, Newfoundland and Labrador.

• (1445)

ORDERS OF THE DAY

THE ESTIMATES, 2007-08

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A)—REPORT ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (*Supplementary Estimates (A) 2007-2008*), presented in the Senate on November 28, 2007.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators will have received the Supplementary Estimates (A) 2007-08 report of the Standing Senate Committee on National Finance, the report that I am asking consideration of today. With honourable senators' permission, I wish to point out some of the report's highlights, which may help in coming to a conclusion with respect to the report.

[*Translation*]

Each year, the federal government tables Part I and Part II of the Estimates for the coming fiscal year, which starts April 1 and ends March 31.

Part I is the Government Expenditure Plan and Part II is the Main Estimates, which sets out the federal government's planned expenditures. Amendments to these documents during the fiscal year can be found in the Supplementary Estimates. There are normally two supplementary estimates: Supplementary Estimates (A), usually tabled in November, and Supplementary Estimates (B), tabled in February or March. Supplementary estimates are usually tabled in Parliament a few weeks before the appropriation bill, to give parliamentary committees and our Standing Senate Committee on National Finance the time to examine them before voting on the appropriation bill.

[*English*]

Honourable senators will have received Supplementary Estimates (A), the large blue book of supplementary estimates. Supplementary Estimates (A) was referred by the government to our Standing Senate Committee on National Finance for study, which study we have begun. I wish to point out, honourable senators, that once referred, the committee continues to study this Supplementary Estimates (A) and the Main Estimates, which are filed here in the Senate and referred to our committee in March of each year for the coming fiscal year. Our committee has the continuing mandate to study each of those particular documents, which will continue.

The supplementary estimates serve a number of purposes. There are Main Estimates for the year, and then in October or November we receive Supplementary Estimates (A). First, the estimates seek authority, that is, approval from Parliament, for revised spending levels to be approved in the appropriation bill, of which receipt is anticipated within the next week or so.

Second, the supplementary estimates provide Parliament with information. The second purpose is for information purposes on changes in the estimated expenditures that would be made under statutory authority. The information is here, but the spending has already been approved by this chamber in other statutes.

Finally, the Supplementary Estimates (A) help the Senate in seeking parliamentary approval for items such as the transfer of money between votes. If there were earlier approval for money in a particular category, and if all of that categorized money was not used but a department would like to use that saving in another manner, then the Senate must approve that. A department cannot go ahead and use the global amount wherever it wishes. The use is determined in different categories, referred to as "votes." Therefore, you will see certain movement between votes in the supplementary estimates.

• (1450)

Honourable senators, in the estimate documents planned spending is broken down into budgetary and non-budgetary expenditures and is displayed for both voted and statutory expenditures. Non-budgetary expenditures include items such as student loans, which the government expects to be paid in due course. It changes the financial position of the government, but is not a permanent change, hopefully, when the student loans are paid back.

Having studied these estimates in the form of a pre-study, when the appropriation bill is introduced in this chamber in the next week or so, it is our practice to allow the supply bill to proceed directly from first reading to second reading. After second reading we have debate and it will proceed directly to third reading rather than being referred, as is our tradition, to a committee for study because in effect we have already studied the bill. We have already studied the subject matter of the bill through the estimates.

Our committee makes sure that the schedules in the document that we have studied and the supplementary estimates are the same as the schedule that is attached to the supply bill. If it is, then we are not surprised and we would recommend that it proceed through once our report has been accepted.

The 2007-08 supplementary estimates were tabled in October, and honourable senators have received copies. The Standing Senate Committee on National Finance, which I have the honour to chair, has studied the particular document. Mr. David Moloney and Mr. Brian Pagan of the Treasury Board Secretariat appeared before the committee and we asked for several undertakings, as you will have seen from the report itself.

The committee Deputy Chair is Senator Stratton, and I would like to thank him and the other members of the committee for the diligent work they have performed in relation to this very important part of our parliamentary function, to hold the government to account with respect to expenditures. We perform that duty by looking at what the government proposes to spend, we ask difficult questions, we look for clear answers so that we understand where that money will be spent, and then make sure that the money is spent in the authorized manner.

As a result of ongoing improvements in the presentation of documents, and due to the urging of your committee, these particular estimates are more transparent and readable, and they are the changes that have been proposed. Mr. Moloney of the Treasury Board Secretariat informed the committee that the Supplementary Estimates (A) are seeking approval for these changes to create two central votes. They are votes housed under Treasury Board but apply throughout government departments, all 133 of those government departments, and there is a horizontal schedule of where Treasury Board is sending some of that money out of that vote. That avoids the necessity of each of those 133 departments having to put a page in the estimates saying that they want to move money from here to there, et cetera.

The two central votes, honourable senators, are for a government-wide operating budget carry forward. The second vote is for government-wide pay list requirements. Let me point out, first, that this does not create additional spending. Rather, it brings together spending or changes into one central vote and then explains in a schedule where that money goes in those various departments. It is intended in this way to reduce the paper burden, save some trees and at the same time create better transparency.

Treasury Board explained, first, with respect to the operating budget carry forward. Honourable senators will know that in the past, we have approved departments being able from their operating budget, usually in vote one, to move 5 per cent from the current year to the next year. That avoids the department looking at the year coming to an end and rushing out and spending money unnecessarily just to use up their budget. They can move it forward so it makes for much more efficient management of funds within the departments.

That 5 per cent carry forward, if any department earns that by managing their yearly budget well, can be carried forward and the department will be able to access that 5 per cent through the central vote of Treasury Board.

The second central vote is a pay list requirement, and that has another implication that is important for us to point out. It deals with the Treasury Board vote five government contingencies. This is Treasury Board having a pot of money to dip into to help departments on contingency matters. Sometimes departments need money on an emergency basis and the department explains the expense to Parliament after it is caught up. We are always very concerned about the use of that vote five by Treasury Board.

One of the purposes for which vote five was used was with respect to statutory items like maternity leave, sick leave or permanent disability. The department would ask Treasury Board to give it the money under vote five. That is not an emergency or a contingency; it is predictable. We have asked that it be taken out and dealt with in another manner and if you approve the Supplementary Estimates (A), and I am urging honourable senators to do so, it will be dealt with in another manner. We feel it is a way of tightening up and making more restrictive the use of the vote five contingency funds.

Honourable senators, we are making good headway with respect to those items that we have referred to and for a good number of years from your Standing Senate Committee on National Finance.

Let me talk about some of the planned spending, with respect to supplementary estimates. Honourable senators will see that Supplementary Estimates (A) outline an increase of $13.6 billion. That is a bit higher than you would normally see in a supplementary estimate; approximately $8 billion is voted. In effect, you are being asked to approve not only changes in presentation but approve increased expenditures of $8 billion. The government was quick to point out that this is still within the announced planned spending that was announced for this fiscal year of $233 billion. With this $8 billion you are voting and $211 billion voted for in the Main Estimates, it is up $225 billion with the $8 billion added and the statutory expenditure.

It is interesting to compare the government's forecasted expenditures this year of $233 billion planned expenditures to previous fiscal years. In the last fiscal year the total expenditure was $222 billion, so there is an $11 billion increase. In the year before that the actual expenditure was $209 billion. In three years we have gone from $209 billion to $222 billion to $233 billion, and counting.

[*Translation*]

Mr. Moloney reminded senators that the Main Estimates 2007-08 were tabled on February 27, 2007, three weeks before Budget 2007 was tabled on March 19, 2007. Consequently, the Supplementary Estimates ask Parliament for authorization to incur expenses for several strategic initiatives and key priorities announced in Budget 2007 and the related cabinet decisions. As he explained, the federal government is asking Parliament, by means of the Supplementary Estimates, for authorization to allocate $8.1 billion for expenses that were not adequately specified or that were unknown when the Main Estimates were tabled in February.

• (1500)

[*English*]

The Hon. the Speaker *pro tempore*: I must advise the Honourable Senator Day that his time has expired. Is the honourable senator asking for more time?

Senator Day: Honourable senators, could I have a bit more time to explain what I would like you to vote on?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: It appears to be the pleasure of the chamber to extend more time.

Senator Day: Thank you, honourable senators.

Honourable senators, the last time I talked about supply I spoke about multi-year appropriations and certain departments that are authorized to have multiyear authorizations. When you vote, typically you vote for one year on how much they can spend, but three agencies — Canada Revenue Agency, Parks Canada Agency and Canada Border Services — are authorized to have an amount authorized for expenditure in more than one year. We will keep an eye on that so that you will be informed when asked to vote on that.

With respect to fiscal equalization, there is a payment of $1.2 billion in this particular supply bill. This is not reflective of the latest agreement between the federal government and Nova Scotia. This is, rather, reflective of the earlier proposal that the provinces could opt in or out of the new government fiscal equalization arrangement. At that time, once they opted in, they were not able to opt out. Nova Scotia was not happy with that. As they told us, they would like to be able to opt in when it is attractive to them, but to opt out when it is more attractive to use the offshore accord. The $1.25 billion is the additional amount to cover Nova Scotia and Newfoundland and Labrador if they happen to opt into the new fiscal arrangements.

Honourable senators, I finish with an area that is important to bring to your attention, and that is with respect to human resources, as it appears here, skills development or social development. This item is reflected in the supplementary estimates. It is important to understand this. You would have seen that a summer student employment program expended quite a bit more money than was anticipated. The government was able to have that program, which initially they were not intending to have, but then they had to fund it.

We have learned through the presentation before our committee that a significant amount of money, $82 million, was saved from another program. Honourable senators will find that in the estimates at page 179. It says that $45 million in total authorized money — money we have already authorized — is available within vote one to reduce operating requirements as a result of advance payments previously made under the Indian residential schools settlement agreement. We all recognize the extreme importance of settling claims with respect to the Indian residential schools settlement, and an agreement was entered into in that regard.

However, $45 million for reduced operating requirements has been found. If you look at the government website, as of November 2, it says that since implementation, there has been an overwhelmingly positive response by the students to the payments, much higher than originally anticipated. Within the first six weeks, the government received 70,000 applications. This large volume has caused some delays in processing. There is also a provision that, after all the applications are processed, the balance left in this amount we have already approved of some $109 million will go to certain education foundations for First Nations and Inuit.

We are now taking money out of this particular program that we have already approved. Honourable senators may will say that $82 million out of $1.9 billion dollars is not very much, but I have been assured by the government that they are not taking money out of the residential school settlement program that will prevent the balance from going where they were obligated to let it go.

If that money is taken out, as we are being asked here with $82 million, that will not be there to go to the educational foundations for natives. I have been assured that is not the case. I am told that $82 million was paid by Residential School Resolution Canada under Privy Council before they created this trust, as they call it. They want to take that $82 million out of that trust.

I asked myself, and we will continue to ask this question in our committee, if all of our committee is in agreement, why were we asked to approve if they knew that $82 million was not necessary and they'd already paid that out? Why were we asked to approve it in the first place?

Second, if they are overwhelmed with the applications and are apologizing on their website for meeting the demand of these people who have been waiting for decades to be compensated for an injustice that was perpetrated on them, why are we taking funds out of the operating budget of this group to handle these applications and why are we saying that $45 million is not necessary? Those are important points, honourable senators, that we must resolve.

Honourable senators, those are the issues that we deal with when we are working on your behalf in our Senate committee. Thank you for reviewing the report that we have placed before you. There are many other issues I would have pointed out, but I can do that at another time. I leave you with this: There are no supplementary estimates for the Senate, but there are supplementary estimate requests for the House of Commons of $7.5 million.

Honourable senators, I urge you to support the report of our committee.

Hon. Lowell Murray: Honourable senators, I wish to take advantage of the latitude that is traditionally offered by a report of this kind, to say a few words about polling, which has been much in the news and apparently much on the minds of honourable senators these last few days.

I suggest that before too long the Standing Senate Committee on National Finance should take a couple of hours one day to look into the subject of public opinion research by the federal government, its departments and agencies. Perhaps the time to do that would be the occasion that would be offered by the tabling of the Paillé report by the Minister of Public Works and Government Services.

I intervene now on this subject because there seems to persist in the media and, as a matter of fact, in Parliament, in both Houses and on both sides of both Houses, a good deal of misunderstanding about public opinion research as it is carried on and sponsored by government.

My understanding is that there are at least three controls or disciplines that apply to public opinion research by the government.

• (1510)

First, prior to the beginning of every fiscal year, the departments and agencies of government are required to make a proposal as to the amount of money each of them intends to spend on public opinion research projects and to justify that proposed expenditure by presentation of a public opinion research plan that they put forward to the relevant officials, central agencies or inter-ministerial committee.

Second, in the case of each public opinion research project, each poll, the sponsoring department or agency has to justify the necessity of that particular poll and present the proposed questionnaire and the sample for evaluation of their statistical and scientific validity before proceeding.

Third, and perhaps more an external control, and that I would dwell on for a minute or two, government for the last few years has been required to publish the results of every poll that any department or government sponsors. The results are made public — and, I believe, they are supposed to be made public immediately. Indeed, perhaps by legislation or an internal regulation, departments are actively discouraged from obtaining verbal rather than written briefings with regard to these polls. The polls are published.

Those three disciplines, if you like, and especially the third one on the publication of every poll after it is taken, are almost a fail-safe method against the abuse of polling for partisan purposes.

I heard what Senator Cowan said a little while ago during Question Period. I saw in one of the metropolitan dailies, as recently as today, an accusation, if you like, that, for example, polling on Canada's role in Afghanistan crosses the line into partisanship. How is that possible, unless the questions that are being asked relate to a minister's performance or a party's view, perhaps?

If polling is being done on Canada's role in Afghanistan, and if the results are being made public immediately after the poll is collected, surely that information, which is useful, is available to the public and to all political parties, not only to one party.

The Auditor General has looked at this recently, although I cannot remember whether it was under the present government or under the Martin government. Ms. Fraser came to the conclusion, as I recall, that, while there had been the occasional misuse or abuse, in recent times the process had been sufficiently cleaned up such that there was no great cause for concern on her part.

The fail-safe is the publication of the polls after they are done. If we think a line has been crossed into partisan considerations, then the opposition and others in Parliament can certainly say so. More than that, the Auditor General will almost certainly say so.

I have not seen any of these polls or any of the questionnaires, but I did see the descriptions of them in various media reports a couple of days ago. As well, I heard what the Leader of the Opposition in the Senate has said. I do not think that, on the face of it, the particular subjects on which the government was polling had crossed the line into partisanship. I would reserve judgment until I see the questionnaires as published.

Honourable senators, we must keep these matters in some perspective. I must also say that the amount of money attached to it, I believe $31 million, is possibly a record high. It is approximately $2 million more than the previous government spent in its last full year in office on this activity. The subject matters have not changed that much over the years from one government to another. I confess that I have had some direct experience in this matter some many years ago.

We should not be scandalized that governments use public opinion research as one of the tools to stay in touch with the evolution of public opinion in the country. Government must, and all political parties should, use whatever modern tools are available to evaluate their policies, to test public opinion and to stay in touch with the people.

Last Tuesday morning at the National Finance Committee, we were discussing a problem that Senator Downe had raised, and Senator Callbeck more recently — that is, the problem of thousands of Canadians who are eligible to receive the Guaranteed Income Supplement, GIS, or the Canada Pension Plan, CPP, but who do not know they are eligible.

One of the discussions was on how to get in touch with those people. We heard testimony by officials from the Department of Finance and Human Resources and Social Development Canada, HRSDC, and by the chief actuary. Members of the committee and government witnesses agreed that we had to do a better job of contacting these people, that we had to do something more and something different than send them a letter through Canada Post.

Yes, more is being done. One of the government witnesses told us about a pilot project and the methods being used to inform the homeless people in this area about their eligibility for some of these programs. As I say, sending letters by Canada Post will not suffice. I suppose there is no point in trying to poll them — although I must say parenthetically I have been bemused by reports of polls of the people of Afghanistan, and I wonder how in the name of God the pollsters manage to draw a valid sample to do a poll there, given the conditions in that country.

I am not suggesting, in the case of those who are eligible to receive the Canada Pension Plan but do not know they are eligible, that we should poll them. My point is that governments have to use all the modern tools at their disposal to evaluate their programs, to keep in touch with their citizens and to test public opinion.

Honourable senators, I shall not make a motion at this time — nor would it be in order anyway. However, the chair and the steering committee of the National Finance Committee should give serious consideration to spending a few hours one day to try to clarify as best we can the misunderstandings about the process and the substance of public opinion research as it is sponsored by the federal government, its departments and agencies.

Motion agreed to and report adopted.

• (1520)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, there are a number of issues in regard to Bill S-215 that I wish to address. The comments which follow are mine. They were not prepared by the minister's office and/or his department, as is usually the case when I prepare my comments.

First, for the record, most members in this chamber are aware that I have had a long-standing interest in the protection of coastal fishing communities, our way of life and the protection of fisheries resources. In fact, in my 22 years on Parliament Hill, my first request for committee assignment has always been Fisheries. Over the past 22 years, I have tracked the evolution of fisheries issues, and the one constant is that there are never sufficient monetary resources to adequately address fisheries and oceans requirements, whether they be research, stock assessment, small crafts harbours, surveillance, search and rescue, Coast Guard, improving our lighthouses, or other matters.

We witnessed the devastation caused by the northern cod collapse, and we still do not have answers. We need more research on West Coast salmon stocks and the impact of climate change on Arctic waters.

A second issue I should like to put on the record is my support for heritage lighthouse buildings, including lighthouses. I can think of no honourable senators who does not endorse the protection of heritage buildings, whether they be lighthouses, grain elevators, train stations, heritage government buildings, bridges, post offices, armouries, et cetera.

In Canada, being against protecting heritage buildings is like being against hockey, ice wine or maple syrup. Legitimate questions, however, have been asked. A number of questions have been raised which have yet to be addressed by this chamber of sober second thought. Does this bill meet the expectations of Canadians in protecting heritage structures? Are we proceeding in the right way? In other words, is this bill the best we can do to protect heritage structures in Canada? Legitimate questions have also been raised that this bill requires diverting funds from the operational budgets of Fisheries and Oceans to fund the designation of heritage lighthouses. Should the fishing industry, therefore, not be consulted in this matter?

The diversion of funds is a legitimate issue that should be examined but does not diminish in any way the worthy object of protecting heritage buildings.

As an aside, one of the key roles of parliamentarians in our parliamentary system is to scrutinize legislation, as so well exemplified earlier by Senator Day in the terrific work that his committee is doing on scrutinizing government spending.

The preparation of legislation, however, is generally proposed by the executive. As one would say, the government proposes and Parliament disposes. However, being a minister of the Crown has no bearing on whether or not a parliamentarian can introduce legislation. That being said, when it comes to the financial initiatives of the Crown, for example, spending money, these bills should come from the executive. That, in essence, is the meaning of sections 53 and 54 of the Constitution Act, 1867.

Private members' bills, therefore, have to be drafted in such a manner that they bypass this constitutional limitation. Private members' bills can only redistribute funds from other programs within a department. In this case, DFO would have to divert operational funds from such areas as small craft harbours, enforcement, rescue or some other area in order to fund the heritage buildings. For this and other reasons, private members' bills are a crude and inefficient means to design public policy initiatives and to spend public money.

To illustrate this point, honourable senators will note that the bill obliges the Minister of the Environment, through the Parks Canada Agency, to administer the designation process, but Parks Canada does not have the funds for implementation costs. Therefore, after designation, implementation would then be funded from existing Fisheries and Oceans budgets. Such a byzantine process would certainly not be undertaken if the designation and funding were undertaken as a government initiative.

The issue is further complicated in that Fisheries and Oceans does not have heritage buildings expertise and experience. Heritage is not a core DFO mandate, but DFO would have to go into the business of Heritage under this bill. DFO would then duplicate activities currently performed by Parks Canada and/or the Department of Heritage.

Not only would DFO need to develop this heritage operational expertise, but it would also need to build up expertise and experience to prepare submissions for ongoing budgetary and Treasury Board requirements after the designation takes effect. We are going into some pretty strange areas. This would result in further diversions from core DFO funding.

DFO entering into the business of heritage buildings would send a conflicting message at a time that the government, as exemplified by Public Works, is exiting the ownership of buildings as a responsibility in order for government to concentrate on its core responsibility of governing.

Incidentally, this policy was a priority of the previous government when then public works minister Scott Brison implemented the policy. This is not something that we on this side have designed. This has been in place for a number of years.

Rather than setting up a comprehensive and cohesive federal government policy on heritage buildings, this bill could be a template for the future of other heritage buildings and structures, leading to ad hoc, bureaucratic and unfocused policies on the designation of heritage buildings and structures, and the maintenance of such structures.

If DFO is legislated to fund heritage lighthouses, will the next private member's bill legislate the Department of Agriculture to fund abandoned heritage grain elevators and will the Department of National Defence be mandated to fund armouries? The list could go on.

Similar to DFO, would these departments, and possibly others, not be required to set up heritage divisions to respond to their new responsibilities? In fact, this concern was raised in the Fisheries Committee in the last session, but the implications of the issue were ignored by the members of the Fisheries Committee at that time.

Parks Canada Agency officials testified as follows:

> This is the second Private Member's bill that has been developed to address a single type of building (the Heritage Railway Stations Protection Act being the first.) If it is successful, additional bills could come forward to protect other types, such as post offices, armouries and grain elevators to name only a few. The Auditor General made an observation in the November 2003 report on the protection of cultural heritage in the federal government that, "the list of heritage sites and federal heritage buildings contains many similar sites or buildings" and one of the examples cited was lighthouses.

The Auditor General went on to say:

> . . . the time has come to adopt a more strategic and global approach to the protection of cultural heritage. The federal government needs to define more clearly the results that it seeks related to heritage protection, the means available, and the resources it can earmark.

The Auditor General was very much in favour of a cohesive and comprehensive program rather than the ad hoc program by which we seem to be getting into designating various departments to protect heritage structures. The Auditor General has recognized the problem and has suggested ways of dealing with it.

Another implication is the impact and cost of this bill. It is my impression that little attention was paid in this chamber to the issue of the funding of the designation of heritage lighthouses.

DFO officials appeared before the Fisheries Committee in the last session and made some important observations. Their comments do not amount to a ringing endorsement of this particular bill.

I will review a few points they made. They said that the department supports, in principle, the intentions of the bill but does not have the financial resources to cover the implementation costs. Supporting the intentions of a bill is a far cry from supporting a bill in principle.

The officials further said:

> The existing reference levels of DFO cannot absorb current or downstream costs related to the passage of this bill.

• (1530)

A further quote is as follows:

> If the bill is passed without the necessary funding, the resources to support heritage could only be funded by diverting core program funds, which would be inappropriate in the context of our mandate and could compromise our ability to deliver program services.

I have heard sufficient bureaucratese over the years to understand that to mean that the livelihood of fishermen could be put at risk if limited resources are diverted from operations to heritage.

Officials further noted that — and I quote:

> . . . this bill could significantly add to our budgetary pressures.

Further on, they say the following:

> As custodian with new responsibilities under the bill, DFO could no longer defer structural repairs required to ensure that many of these heritage light stations remain standing. In fact, DFO will require access to some funds immediately, as repair work cannot be delayed further if many of these heritage lighthouses are to be protected, as proposed in the bill.

Here is another quote:

> For the bill as written, it is estimated that DFO would require $364 million of a total estimated $384 over five years for recapitalization costs and $28.5 million of a total of $30 million annually thereafter for maintenance costs in order to respect the statutory obligations for those lighthouses under our custodial control.

Those quotes are from DFO officials.

Later, we had officials from Parks Canada. Allow me to quote some of their comments.

The first quotation concerns the fact that Bill S-220 does not — and I quote:

> . . . include any control over costs.

Here is a further quotation:

> Because it is entirely open-ended in this respect, it is impossible to accurately predict what the costs of implementation would be.
>
> To predict its costs we need to know approximately how many designation proposals might come forward.

Here is another quotation:

> . . . petitioners are not provided with any guidance in the bill to gauge the importance of a lighthouse to Canada's history.

Further on, Parks Canada officials state that there are several ambiguities in the bill that add to the difficulty of estimating its implementation cost. They noted the following:

> While perhaps unintended, it appears that the bill could apply not only to federal lighthouses, but also to privately-owned lighthouses as well.

Further on, they note the following:

> If the obligation for an extremely high standard of care applied to any of these lighthouses, there would be no reason for a community group to assume ownership.

Why assume ownership if the federal government will take it over?

> Furthermore, any third party may be reluctant to consider assuming ownership of a lighthouse given the possibility that it could be designated, and the costly maintenance obligation would then apply.

Senator Murray assures us that the officials were being alarmist when they presented estimates of the cost. Allow me to quote exactly the words that Senator Murray said:

> It is clear to me that some witnesses have made very alarmist, unjustified, unnecessary statements.

Senator Murray implies that the departmental officials have possibly — perhaps inadvertently — misled members of the committee.

Senator St. Germain: Shame!

Senator Comeau: If we cannot depend on our own officials in government to provide us with statements that are not alarmist, unjustified and unnecessary, that is serious.

Senator Murray: I would add "exaggerated."

Senator Comeau: He is adding exaggerated.

Who are we to believe then? Is it just a simple matter of interpretation that Senator Murray is suggesting to us that the officials are alarmist, that their statements are unjustified and unnecessary — and now exaggerating — and that we cannot depend on our own officials to give us proper advice? We are in deep doo-doo.

Senator Tkachuk: How did they translate that?

Senator Comeau: In proper Latin, it would be "el kaka de toro."

At a minimum, who are we to get between Senator Murray's long experience on the Hill and the officials trying to do what is supposedly an objective job? Caution would suggest that the issue of cost should be at least further pursued. Even Senator Murray would suggest that it would be worth our while.

To repeat the numbers, so we all know the numbers that were provided at committee and so that nobody gets it wrong, DFO requires $364 million of a total of $384 million over five years for recapitalization cost, and $28.5 million for a total of $30 million annually thereafter for maintenance cost, in order to respect the statutory obligations for these lighthouses.

As a minimum, caution would suggest that we at least provide the officials with the opportunity to explain how they arrived at these figures. We must be able to depend on a professional civil service and the dedication of our public service to be able to provide us with guidance. We owe it to them not to be too hasty to dismiss the comments they make at committee.

Regarding the minister responsible for Bill S-215 and its amendments, on November 20, 2007, in response to a question in this chamber, I indicated that there had been a change of ministers since the bill was last before the Senate. I stated I was waiting for the views of the minister, Minister Baird, the new minister on the bill. I was admonished very brutally by Senator Carney for suggesting that there had been a change of Minister of the Environment since the bill had last been before the Senate. In fairness to the honourable senator, I quote Senator Carney:

> Has there been a change in the ministry that I am unaware of that supports the honourable senator's view that there has been a change in the ministry since this bill passed the Senate, after meetings with the minister's staff, after amendments offered by the Minister of the Environment, and after amendments passed by the Senate Fisheries Committee?

Senator Carney raised the issue again the very next day in this chamber on a point of order as follows:

> There was some debate from the Deputy Leader of the Government about whether the minister responsible was Environment Minister Ambrose or Baird. I want to say that, for the record, the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

In fact, Ms. Rona Ambrose ceased to be Minister of the Environment on January 3, 2007, and Bill S-220 was passed at the Standing Senate Committee on Fisheries and Oceans on December 7, 2006. Therefore, Minister Baird was indeed the Minister of the Environment when the previous bill was last before the Standing Senate Committee on Fisheries and Oceans in the last session.

Regarding letters of support for the bill in principle, I should like to quote Senator Carney in Hansard November 1, 2007, where she said:

> It should be noted that this bill is supported by the departments of Environment, Heritage and Fisheries. I have letters of support from the ministers.

I expressed my support at the time that the Department of Canadian Heritage would write a letter of support, and Senator Carney subsequently confirmed that the Heritage Minister did not, in fact, send a letter of support. I did table, however, the two letters from the other two ministers. I tabled them last week. I quote from the letter dated September 19, 2007, from the Minister of Fisheries and Oceans so that we will have the proper comments on the record. The minister said:

> I continue to support the objectives of the bill.

I think we all do that.

• (1540)

Further on, the minister notes:

> In closing, I wish to express my support for the principles of Bill S-220.

Honourable senators, I do not think anyone in this chamber has ever doubted the principles of protecting lighthouses. Support for the principles and the objectives of this bill is not necessarily support for this particular bill in principle, but it does signify that the minister supports the principles of protecting heritage lighthouses. In the letter from the Minister of the Environment, there is no reference whatsoever to his support or lack thereof for this particular bill.

Arguments have been made on many occasions that this lighthouse bill has been before the Senate a number of times in the past and should therefore be passed with great haste. Some have suggested jumping directly to committee stage in the other place. In fact, I believe Senator Murray said that there were similar or identical bills to those bills that had been here in the past.

For the record, our rules, as they currently stand, do not currently support this argument. A private member's bill introduced in a new session is a new bill that must go through the process again. There may, in fact, be reasons why these rules are there. I understand that they are currently being placed before this chamber as a subject of discussion. We might find out more in the coming weeks and months as to whether we should, in fact, change the rules to be able to introduce private members' bills further on, but that is a subject for another discussion. The current rules are that we reintroduce bills at the introductory stage.

In the previous session, Senator Carney met with officials from the office of Minister Ambrose regarding amendments to her bill. Ms. Ambrose was Minister of Environment at that time and her staff indicated that Minister Ambrose could support the bill if certain amendments were passed. These amendments were proposed at the committee that met to consider the bill the last time around, but they were mostly rejected or substantially altered at committee. In fact, the amendments that passed at committee bear no resemblance whatsoever to the agreement made between Senator Carney and the minister's staff. If you doubt that, I invite honourable senators to read the transcripts of the meeting to get the flavour of the meeting and the way the amendments were proposed, passed and rejected.

At this point, I draw the attention of honourable senators to the particular concerns I have with this bill. Communities where lighthouses are situated have a particular interest in seeking heritage designation to ensure the continuing public use and care of these icons in Canadian maritime history. This should be highlighted in the bill, given their important role as stewards of heritage places; that is, Canada's coastal communities. Communities are not mentioned in the bill.

The term "related built structure", in my opinion, could require the designation and maintenance of structures that, while related to lighthouse operation, make no contribution to its heritage character. The vagueness of this description could lead to a much higher expenditure than envisioned by the sponsors of this bill. It is of critical importance that this bill be clear about preserving buildings rather than incidental structures.

Supposedly, one of the bill's primary objectives is to facilitate the divestiture of lighthouses that are surplus to operational requirements from Fisheries and Oceans Canada to community groups and other organizations for their continuing public use and care. I believe this provision needs much greater clarity.

The bill, as currently drafted, will not facilitate the divestiture of lighthouses that are surplus to operational requirements. In fact, it will impede the process. In my view, a department could be obligated to maintain designated lighthouses, including those that are surplus to operational requirements. While the bill does not require continuing federal ownership, it does not create any incentive for local groups to acquire lighthouses that would be already guaranteed protection in federal hands.

This bill requires a public meeting to be held when a heritage lighthouse is being sold, unless the sale is to a municipality. In most cases, sales are made to not-for-profit groups, such as local historical societies, that are acting in the interests of their communities so that lighthouses can continue to serve a public purpose. I believe it is redundant to require a public meeting when an agreement has been reached to sell a designated lighthouse or transfer its ownership to a third party for a public purpose.

One of the most important situations that should require a public meeting is a proposal to demolish a heritage lighthouse, as this would result in irrevocable loss. However, a provision for consulting the public in such instances is not set out in the bill. The bill indicates that a meeting is required for any alteration to a heritage lighthouse, except for emergencies and operational reasons, provided its heritage character is not affected. Since no alteration that would impair heritage character would be permitted, the requirement for a public meeting is unnecessary.

I am sure all honourable senators are aware that most bills include the request for authority to make consequential amendments to other legislation. Nowhere could I find that in this bill. That could be a drafting error, I am not sure. That could be an unintentional oversight. It is important to ensure that such a simple but necessary feature is addressed.

On the last point, honourable senators, I wish to stress once again that it takes time to look properly into the simplest of bills. This is what we pride ourselves for in this place. If we had passed this bill, or any other bill, through all stages without inspection, we would not have demonstrated due diligence.

I remind honourable senators that I only received the minister's comments on this bill last Monday. We are proceeding with great haste to move this bill through as quickly as possible.

Where do we go from here?

Senator Fraser: Fast?

Senator Comeau: The honourable senator has probably not even read the bill, for crying out loud, so she should not make those kinds of cooing comments. I am referring to whoever said that. She has probably not read the bill, so, by all means, do so, and then make those cooing sounds.

Senator Fraser: Sure I have.

Senator LeBreton: She writes editorials, though.

Senator Comeau: Where do we go from here? I am being —

Senator LeBreton: No, do not apologize. Keep going. We do not have to put up with that nonsense all the time.

Senator Comeau: Senator Carney informed me in a recent letter that Senator Rompkey had agreed that the committee study could be skipped. This raises a number of issues and concerns. Senator Rompkey was not chair at that time, when he agreed to the process on behalf of the members of a future committee which had not yet been constituted by this chamber. If I recall, the Selection Committee had not made its report at that time.

Our rules currently call for the bill to go through a legislative process and the Senate has traditionally respected this process.

What I take away from the letter that I received from Senator Carney is that the Standing Senate Committee on Fisheries and Oceans has nothing further to say regarding this bill, and is therefore not able to answer the questions that I have raised this afternoon regarding the bill. There are some important questions, including those whereby some simple drafting aspects must be fixed.

Given that the fishing industry as well was not consulted the last time around, I suggest strongly that the fishing industry's views be heard on the issues of the divergence of DFO's budget from its operational requirements to heritage structures.

• (1550)

Finally, the issue of cost should be seriously considered as well. I respect the honourable senator's views, and I do respect Senator Murray's deep knowledge of government and the way government works — he has been around for a long time and I have never known him not to be as forthcoming and as knowledgeable as any one of us. However, I also respect the views of government officials.

I am not prepared to accept the honourable senator's conclusions that the government officials misled us and that we should therefore ignore their testimony regarding the cost implications regarding this bill. In fact, the allegations that parliamentarians might have been misled merits giving the officials an opportunity to come forward and explain themselves.

These questions and concerns are obviously within the scope of a different committee than the one that dealt with this bill in the last session. It would be a committee familiar with the complex questions of budgets, Treasury Board submissions — which this bill will now require other departments to do — and the public service. The Standing Senate Committee on National Finance meets on a regular basis and has a deep knowledge of the officials who deal with the public service.

We are all aware that a private bill has a vastly greater likelihood of success in the other place if it enjoys the support of government. Given the potential of securing the minister's support for this bill, it is very important that there is a thorough investigation concerning the questions of cost, the relationships between the various arms of the government and the effects on any potential amendments. In my view, this was not done during the last session.

I have great confidence that our colleagues on the Standing Senate Committee on National Finance would do an excellent job and pursue this matter speedily and with great haste, as proposed by many in the chamber.

I submit that all honourable senators who want to see this bill finally succeed and become law ought to join me in asking this chamber to give this bill second reading and refer it to the Standing Senate Committee on National Finance.

Hon. Lowell Murray: I have already spoken on this bill and do not think I have a right to speak again. I suppose I could pretend to be a stand-in for Senator Carney and close the debate, but I will not do that. However, as a matter of personal privilege, if you like, the honourable senator who has just resumed his seat has two or three times taken the liberty of paraphrasing what I said in debate by attributing to me the sentiment or the words that the officials had misled the committee. I have said, and I repeat, that their testimony, notably on the financial side — which my honourable friend has repeated today, thereby compounding the felony — was alarmist, unjustified and exaggerated. I did not say, and would not say, that they deliberately misled Parliament or the committee.

Senator Comeau: Just briefly, I never, in all of my comments in this speech, indicated that the senator indicated the witnesses had deliberately misled the committee.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Carney, seconded by the Honourable Senator Nolin, that Bill S-215 be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read a third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-213, An Act to amend the Criminal Code (lottery schemes).—(*Honourable Senator Tkachuk*)

Hon. Bert Brown: Honourable senators, I am pleased to rise today and speak to Bill S-213, introduced by Senator Lapointe. Bill S-213, as you are aware, amends the Criminal Code related to

gaming offences by restricting the locations at which the provinces allow the installation of video lottery terminals, or VLTs, and slot machines to casinos, racetracks and betting theatres.

Although I am a new senator in this place, I am aware this bill has been before the chamber several times, and most honourable senators have heard the details more than once. I understand that this is behind the motivation to send this bill to the House of Commons in a quick manner.

I am, however, new to this place and new to the study of this bill, and as a duly elected representative of the Province of Alberta, I will be paying close attention to any such bill that has the potential of interfering in areas of provincial jurisdiction.

It is important to note right from the start that I am sympathetic to the intent of the bill. I know many stories of the tragedies facing the families of people who have become addicted to VLTs. They present a danger to our communities due to their highly addictive properties. I am sure we are all aware of the stories about the victims of these machines.

While I am sympathetic to the aims of this bill, I must stress that I cannot support a bill that intrudes into provincial jurisdiction. Even though we have the best of intentions, it would be unwise to force this legislation on other levels of government. Thanks to two federal-provincial agreements signed in 1979 and 1985, control over gaming falls largely in the hands of the provinces.

Section 1.1 of the agreement of 1985 states:

> The Government of Canada undertakes to refrain from re-entering the field of gaming and betting and to ensure that the rates of the provinces in that field are not reduced or restricted.

Honourable senators, this language is clear and unambiguous. There is no way to amend the bill and there is no way of getting around the fact that the federal government will be doing what it agreed not to do.

While the evidence is clear that VLTs do contribute to compulsive gambling, the jurisdictional concerns remain. Consequently, I cannot support the bill. I hope we will exercise proper restraint and respect the role of provincial governments in dealing with the issue of VLTs.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tardif, bill referred to Standing Senate Committee on Legal and Constitutional Affairs.

• (1600)

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Dallaire*)

Hon. Yoine Goldstein: Honourable senators, we have had the privilege of hearing Senator Segal and Senator Dallaire address the issues associated with Bill S-202 with their usual eloquence and deep knowledge of the issues.

It is indeed important that job protection be available for all members of the Armed Forces when they come back, whether they are reservists or regular members of the Canadian Forces. Honourable senators, at the moment we have soldiers serving their country in far away places such as Afghanistan, Sierra Leon, Lebanon — with the United Nations Interim Force — and a variety of other places.

During this festive season, we will be spending time with our families. Members of the forces will be spending time alone, without their families, in situations of danger, physical discomfort and sadness in a time when there should be happiness and families gathered around each other.

I suggest that as honourable senators are in the process of signing Christmas and New Year's cards with best wishes for the year to come, that we go to the Armed Forces website at www.forces.gc.ca. One will find the names and addresses of all the people serving abroad on that site. Pick any six names, send them a card to tell them we are thinking of them, that we appreciate them and that we admire their courage, loyalty and devotion to their country. I wish to reserve the rest of my time for the future. Therefore, I move the adjournment of the debate.

On motion of Senator Goldstein, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings). —(*Honourable Senator Andreychuk*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, unfortunately Senator Andreychuk has been unavoidably detained. I know that she is very interested in this bill and she wants to speak on it at great length and others may have the same inclination. With that in mind, I ask that we continue the adjournment in Senator Andreychuk's name.

Order stands.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Campbell, for the second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171). —(*Honourable Senator Cowan*)

Hon. Vivienne Poy: Honourable senators, today I wish to speak briefly in support of Bill C-280.

I support Bill C-280 primarily because Parliament determined that a Refugee Appeal Division should be established at the time when the Immigration and Refugee Protection Act was passed in 2001, and I believe it is regrettable that a number of ministers in both the Liberal and Conservative governments have chosen not to carry out the will of Parliament.

I have been in communication with many constituents over the past six months, and have spoken to representatives from the Canadian Council for Refugees. I assured them that I would publicly express my support for this bill.

As Senator Goldstein has detailed, the 2001 legislation was intended to streamline the refugee and immigration process by reducing from two to one the number of panel members who preside over a case Thereby, theoretically, doubling the number of refugee cases being heard. The appeal division was put in place as a safeguard measure to ensure the integrity of the system, but it was never implemented. It was presumed that applying for judicial review to the Federal Court would suffice. However, this not only puts an unfair burden on the court, but it also does not substitute for an appeals division. As Senator Goldstein emphasized, the vast majority — 90 per cent — of applicants are refused leave to apply to Federal Court for a review since the grounds are "essentially limited to alleged errors of law," leaving no appeal on the merits available to refused refugee claimants.

Filing at the Federal Court is also very expensive when compared to the review process of the proposed Refugee Appeal Division. According to representatives for the Canadian Council for Refugees, the implementation of the RAD would "greatly reduce the case load of the Federal Court and, in particular, eliminate frivolous Federal Court applications." They expect the Refugee Appeal Division, ultimately, to be both cheaper and faster, thereby helping to curb backlogs in the system.

Honourable senators, mistakes are made in refugee cases. Human beings are fallible and systems are imperfect. As Peter Showler, former chairperson of the Immigration and Refugee Board, wrote in his brief prepared for the Standing Committee on Citizenship and Immigration in the other place, more mistakes are made with single-member decisions. His detailed reasons are based on his experience as chairperson of the IRB, and can be read in his presentation dated March 29, 2007.

While I am willing to accept that there are false claims, there are many more refugees who flee genuine persecution in their homelands. They deserve the full protection as designated in our existing legislation.

To quote the Inter-American Commission on Human Rights Report, on the situation facing asylum seekers in Canada:

> Where the facts of an individual's situation are in dispute, the effective procedural framework should provide for their review. Given that even the best decision makers may err in passing judgment, and given the potential risk to life that may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.

Refusing to provide an appeal process as promised in legislation undermines our international reputation. Canada is committed to upholding international law with respect to refugees, and our failure to provide an appropriate appeal process is a failure to meet our obligation.

Ironically, the present government claims that it is not implementing the RAD because it would slow down the system and it wants to clear up backlogs. Unfortunately, under the current government, the backlog is growing. According to the Canadian Council for Refugees, the government is not filling enough vacancies on the Immigration and Refugee Board and is not renewing the memberships of candidates, many of whom are highly qualified.

• (1610)

In addition, the government has rejected the recommendations of a non-partisan group whose members, drawn from the legal, academic and NGO communities, had put forward a number of names to fill vacancies. To quote the response of Ms. Janet Dench, Executive Director of the Canadian Council for Refugees:

> The appointments process at the IRB has been really problematic because of the political nature of the appointments. In the last few years, there has been some movement away from that . . . Now, it seems the government is wanting to claw back political control over the process.

The lack of renewals of the appointments of experienced members, and the failure to appoint those recommended by the non-partisan panel, prompted the resignation of the board's chair, Jean-Guy Fleury, in early 2007, with the claim that the IRB lost "300 years of experience in one year." The number of vacancies has grown from five under the previous Liberal government to over 40 vacancies currently. Mr. Fleury felt he could no longer carry out his job since the board was so seriously understaffed and under-resourced. The rest of the advisory board also resigned.

In the meantime, refugee claimants are facing longer and longer wait times for their hearings, under great anxiety as they put their lives on hold.

Honourable senators, refugee claimants are in Canada because they fear for their personal safety. Claimants have a right to a speedy hearing and a chance to appeal the decision; they are being denied both under the current system. Bill C-280 will at least allow refugees to take advantage of the provisions in our present legislation.

In addition to the Canadian Council for Refugees, Amnesty International, the Canadian Bar Association and the Parliamentary Standing Committee on Citizenship and Immigration in 2004 have all called for the implementation of the Refugee Appeal Division.

The UNHCR has written that, "Canada, Italy and Portugal are the only industrialized countries which do not allow rejected asylum seekers the possibility to have first-instance decisions reviewed on points of fact as well as points of law."

This legislation should be viewed as a non-partisan issue because we are talking about human beings, not just numbers. I urge honourable senators to respect the will of Parliament, because many lives are dependent on it.

On motion of Senator Tkachuk, debate adjourned.

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament (mandate of the committee and quorum), presented in the Senate on December 4, 2007.—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE ADOPTED

On the Order:

> The Senate proceeded to consideration of the third report of the Standing Senate Committee on Social Affairs, Science and Technology (budget - study on impact and effects of social determinants of health — power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Wilbert J. Keon: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[*Translation*]

THE SENATE

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE AUTHORIZED TO STUDY POLICIES IN ORDER TO REDUCE GREENHOUSE GAS EMISSIONS

On the Order:

> Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:
>
> That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on changes to Senate policies necessary to incorporate into both the 64-point travel system for individual Senators and into committee travel budgets the costs of purchasing carbon offsets that meet the goal of reducing greenhouse gas emissions and also meet internationally recognized standards and certification processes;
>
> That the Committee also evaluate, as a further means to reduce greenhouse gas emissions, the possibility of expanding the use of teleconferencing and other technological systems to reduce the need for witness travel to Ottawa; and
>
> That the Committee present its final report to the Senate no later than December 12, 2007.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this motion has been on the Order Paper and Notice Paper for some time now, and since I am not aware of any other senators wishing to speak on this matter, I would like to move that we address it now.

I would like to draw to your attention the fact that the deadline for presenting the report is December 12, 2007, which will not give the Standing Committee on Internal Economy, Budgets and Administration enough time to take care of it.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I therefore propose an amendment to the motion to give the Committee more time. I have talked to the opposition about amending the motion:

> by replacing the words "December 12, 2007" with "December 11, 2008".

Hon. Eymard G. Corbin: Honourable senators, I would like to ask the Honourable Senator Comeau a question. When he said he had consulted the opposition, is he specifically including Senators Sibbeston and Adams? I ask because this is their motion.

Senator Comeau: The Honourable Senator Corbin may suggest that if he wishes. That said, I am willing to withdraw my motion, because I did not consult the two senators in question.

The Hon. the Speaker: Honourable senators, if Senator Comeau wishes to withdraw this motion, he must obtain the unanimous consent of the chamber.

Senator Corbin: Honourable senators, I was merely asking for information. I was not objecting. I just wanted to know whom the senator had spoken to on our side.

Senator Comeau: I had a discussion with the Deputy Leader of the Opposition in the Senate. We were of the opinion that putting everything off to that later date would give the Committee on Internal Economy enough time, even though the committee will not likely need all that time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

Motion, as amended, agreed to.

• (1620)

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, December 11, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, December 11, 2007, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Thursday, December 6, 2007

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21		
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29							
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs					
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance					
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27		
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0			
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs					
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance					
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31							
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13							
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0	07/12/04		
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28							
S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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OFFICIAL REPORT
(HANSARD)

Tuesday, December 11, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, December 11, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

PEACEKEEPING

Hon. Roméo Antonius Dallaire: Honourable senators, today we are celebrating the 50th anniversary of Lester B. Pearson's receipt of the Nobel Peace Prize.

This Nobel prize is the foundation upon which this country's ability to establish and keep peace has been built. The very concept of peacekeeping was developed by Mr. Pearson and General Burns in 1956 in Suez, and it was recognized by the entire world in 1957.

[*English*]

The concept presented was one of a referee wearing a blue beret and assisting countries in conflict that had finally decided to sign a peace agreement. These countries could look to a neutral force that would permit them to apply the mandates of their peace agreement and ensure its continuance. To that end, we created the chapter six peacekeepers to be referees without a penalty box or a red card who would observe, report and bring the two sides together.

Over the last 50 years, conflicts have evolved from nation against nation to one of state versus state. The responsibility to protect has advanced the previous peacekeeping responsibilities, ultimately, into one of intervention and use of force.

Today, we find ourselves with complex conflicts in which nations are horribly abusing the human rights of their citizens. We have the tool that Lester B. Pearson created, which has been amended and modernized through *Responsibility to Protect* in accordance with Chapter VII of the United Nations Charter to allow peacekeepers to protect and ultimately use force.

Why do we allow the situation in Darfur to exist? Why are we not participating? It is not because the UN has not asked us to. How is it that we are refusing to participate when we founded the very concept of peacekeeping? How is it that we are refusing to participate when we created the concept of protecting human rights? We created the responsibility to protect, we modernized that concept and yet we refuse to participate.

• (1405)

INTERNATIONAL HUMAN RIGHTS DAY

Hon. Donald H. Oliver: Honourable senators, Monday was International Human Rights Day, a time when we commemorate the adoption and proclamation of the Universal Declaration of Human Rights by the General Assembly of the United Nations on December 10, 1948.

Consisting of a preamble and 30 articles, the declaration sets out the fundamental rights and freedoms of all people. It prohibits discrimination based on race, colour, sex, language, religion, national or social origin, property, birth, opinion or other status.

The declaration represents an ideal to which all peoples and nations must strive. It also has a strong Canadian connection of which we can all be proud.

The first functional commission established by the United Nations focused on human rights and was chaired by Eleanor Roosevelt, the wife of the former United States President, Franklin Roosevelt. Under her leadership, and assisted by Dr. John Peters Humphrey, a native of New Brunswick, the commission drafted the International Bill of Human Rights, which was to become the declaration we esteem today.

Dr. Humphrey attended Mount Allison University in New Brunswick and McGill University, where he later taught well into his 80s. He promoted human rights in Canada and abroad until his death in 1995.

We have a long way to go to reach the visionary ideal embodied in the declaration. Human rights are under attack or nonexistent in too many parts of the world.

The declaration reminds us that:

> Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

And that it is essential:

> If man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

Honourable senators, I urge the members of this chamber to uphold the vision laid out by the drafters of the declaration by supporting the equal and inalienable rights of all people and protecting them through the enforcement of the rule of law.

Hon. Joseph A. Day: Honourable senators, I would like to follow Senator Oliver's statement and remind all of us that yesterday was International Human Rights Day. It was 59 years ago that the United Nations General Assembly unanimously adopted the Universal Declaration of Human Rights and we have celebrated that date, December 10, since that time.

The International Centre for Human Rights and Democratic Development — also known as Rights and Democracy — is a Canadian organization created in 1988 to encourage and support human rights and the promotion of democratic institutions and practices around the world. Every year, they award the

John Humphrey Freedom Award to an organization or individual who has exemplified the spirit of John Peters Humphrey, who, as you have heard, is the Canadian from New Brunswick who drafted the Universal Declaration of Human Rights.

This year's recipient was Akbar Ganji, an Iranian author and promoter of human rights and democracy in his home country. I was pleased to be present when he received the award at a ceremony here last week in Ottawa.

Mr. Ganji was imprisoned in the year 2000 for propaganda against the Iranian regime and its institutions, and subsequently spent six years in Tehran's Evin prison. Throughout his time in prison, Mr. Ganji continued to write pro-democratic works, many of which were smuggled out of prison and published on the Internet. He suffered solitary confinement and torture for those acts, and many of his friends and colleagues were murdered during that time.

Upon his release, he continued to write, producing a series of influential manifestos and open letters calling for Iran's secularization and the establishment of democracy through mass civil disobedience.

As Canadians, we strive to ensure that the fundamental human rights of our citizens are respected. As members of the international community, we present ourselves as an example to the world; and we hope that, by our example, other countries will follow our path. It is unfortunate that many countries today do not, and there is still much suffering around the world due to terrible human rights abuses.

I am humbled by Mr. Ganji's sacrifice and his struggle to bring human rights to all his countrymen. On behalf of my colleagues in the Senate, I am sure we all extend our fervent hope that the attention he has sought will have a positive effect on the advancement of human rights in Iran and beyond.

• (1410)

I should like all honourable senators to know that John Peters Humphrey was born in Hampton, New Brunswick, where he spent his formative years and chose to be buried after a long and distinguished career at McGill Law School and at the United Nations.

Next year will mark the sixtieth anniversary of the signing of the Universal Declaration on Human Rights and a memorial to this event will be unveiled in Hampton. I invite all honourable senators to visit.

[*Translation*]

OFFICIAL LANGUAGES

GOVERNMENT SUPPORT FOR MINORITY FRENCH LANGUAGE COMMUNITIES

Hon. Marie-P. Poulin: Honourable senators, for some time now, the media have been feverishly publishing news of interest to those involved in the official languages file.

On November 20, the Commissioner of Official Languages released a study on bilingualism in Canadian international relations. Earlier this month, the Prime Minister appointed Bernard Lord to oversee the study of the government's language policies. Mr. Lord's appointment coincided with the publication of 2006 census data, which prompted a statistician in the region to say that it was time for the government to cut the funding that keeps fragile Francophone communities in Canada alive.

This sudden deluge of news on official languages shows, once again, that the Official Languages Act has not made it possible for Francophones to give up the fight for their language rights. On the contrary, constant vigilance is needed to preserve the health and integrity of the French language in national and international affairs.

As the senator representing northern Ontario and as a member of the Standing Senate Committee on Official Languages, I want to point out that we are each responsible for promoting the values of linguistic duality entrenched in our Constitution.

STATISTICS CANADA REPORT ON 2006 CENSUS DATA

Hon. Rose-Marie Losier-Cool: Honourable senators, today I would like to draw to your attention the data released last week by Statistics Canada concerning the official languages in Canada.

[*English*]

These data pleased some, disappointed others and even generated some academic and media coverage most politely described as "questionable."

[*Translation*]

All we need to know about these data, honourable senators, is that our two official languages, French and English, are still doing well in Canada. However, both official languages have lost some ground since the 2001 census, French a little more so than English, compared to the other languages immigrants bring to Canada.

Even though the percentage of francophones is slowly decreasing compared to the total population of the country, their absolute numbers are going up slightly, largely because some immigrants choose to speak French at home.

[*English*]

Similarly, although less markedly, the uptake of English as a language spoken at home by immigrants is rising slightly.

One of the most interesting aspects to remember from the 2006 census data is that the number of native English or French speakers in Canada is declining to an extent, but that decline is compensated somewhat by the adoption of English or French as the language spoken at home.

[*Translation*]

The Cassandras who like to predict the death of francophone communities would be better off spending their time and energy on something more useful to Canadian society. The same goes for francophones who believe that French has no chance for survival

outside Quebec: I offer as proof my friends and colleagues in minority francophone communities in the West, in the territories, in Ontario and in the Maritimes.

Yes, some of our communities are experiencing difficulties, usually because the population base is too small to provide certain services locally or regionally.

However, instead of condemning these communities to certain death by cutting off all funding, we should give them the assistance they need to continue to benefit from their hard-won achievements.

[*English*]

Honourable senators, Francophones comprise nearly one quarter of the Canadian population. That is more than just a marginal minority. Let us remember that Francophones account for a great deal of the diversity, vibrancy and openness that makes Canada so attractive to immigrants. Treat us well, and you will preserve the fabric of our country.

• (1415)

NATIVE WOMEN'S ASSOCIATION OF CANADA

VIOLENCE PREVENTION TOOL KIT

Hon. Lillian Eva Dyck: Honourable senators, yesterday I received a violence prevention tool kit that was launched nationally on Monday, December 10 by the President of the Native Women's Association of Canada, Beverley Jacobs, and the national youth representative Tori-Lynn Wanotch.

The tool kit is designed as an educational resource that will raise awareness across Canada of violence against women, and Aboriginals in particular. I reviewed most of the tool kit this morning, and it is an incredible resource that I highly commend to all honourable senators. I found the tool kit to be extremely informative. It covers areas such as bullying, emotional and psychological violence, sexual assault, and date and relationship violence.

Honourable senators are aware that the level of violence towards women and Aboriginals, and towards Aboriginal women in particular, is high, but this tool kit gives me cause for hope because it has incredibly up-to-date information. It has strategies for the individual on how to prevent violence in the lives of individuals and in communities.

If honourable senators have not received a copy, I suggest they request one from the Native Women's Association of Canada. There is information in the date violence section that is very up to date, including some down-to-earth tips. For example, if one is on a date, one should always carry enough money in one's pocket to be able to take a taxi home if one is in a situation where one feels uncomfortable.

Another practical tip for a woman who suspects that she has been drugged and date raped is that she must submit a urine sample within 12 hours of the alleged assault. That was new information to me.

I highly recommend the tool kit. I certainly suggest that anyone who has contact with young people request a copy from the Native Women's Association of Canada. The tool kit comes with a CD, handouts and the whole nine yards. As a former professor, I give the tool kit a grade of A-plus. I send my congratulations to the Native Women's Association of Canada and the Native Women's Association youth representative.

[*Translation*]

ROUTINE PROCEEDINGS

COMMISSION OF INQUIRY INTO THE INVESTIGATION OF THE BOMBING OF AIR INDIA FLIGHT 182

REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the first report of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 entitled *The Families Remember*.

DIRECTIVE TO THE CANADIAN NUCLEAR SAFETY COMMISSION REGARDING THE HEALTH OF CANADIANS

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to subsection 19(3) of the Nuclear Safety and Control Act, I have the honour to table, in both official languages, a copy of the directive given to the Canadian Nuclear Safety Commission regarding the health of Canadians.

AGING

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Sharon Carstairs, Chair of the Special Senate Committee on Aging, presented the following report:

Tuesday, December 11, 2007

The Special Senate Committee on Aging has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, November 1, 2007, to examine and report upon the implications of an aging society in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and

Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix A, p. 372.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Carstairs, report placed on the Orders of the Day for consideration two days hence.

[*English*]

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Joyce Fairbairn: Honourable senators, I have the honour to table, in both official languages, the interim fourth report of the Standing Senate Committee on Agriculture and Forestry entitled *Livestock Industry*.

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1420)

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, for Senator Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 11, 2007

The Standing Senate Committee on Human Rights has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Wednesday, November 21, 2007, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix B, p. 381.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Munson, for Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS—REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, for Senator Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 11, 2007

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Wednesday, November 21, 2007, to monitor the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, tabled in the Senate on April 25, 2007, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purposes of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix C, p. 389.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Munson, for Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE—REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, for Senator Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 11, 2007

The Standing Senate Committee on Human Rights has the honour to present its

FOURTH REPORT

Your committee, which was authorized by the Senate on Wednesday, November 21, 2007, to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix D, p. 395.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Munson, for Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP—REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, for Senator Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 11, 2007

The Standing Senate Committee on Human Rights has the honour to present its

FIFTH REPORT

Your committee, which was authorized by the Senate on Wednesday, November 21, 2007, to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the committee for the purpose of updating the members of the committee on actions taken concerning the recommendations contained in the committee's report entitled: *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix E, p. 401.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Munson, for Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, December 11, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to table its

FOURTH REPORT

Your committee, to which was referred Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), has, in obedience to the order of reference of Wednesday, November 21, 2007, examined the said Bill and now reports the same with the following amendments:

1. *Clause 18, page 7*: Replace lines 3 and 4 with the following:

"appears shall advise the accused of his or her right to apply for an order under subsection".

2. *Clause 19, page 7*: Replace, in the English version, lines 31 and 32 with the following:

"(*a*) cause the portions of an information or indictment against the accused that are in an".

3. *New clause 21.1, page 9*: Add after line 3 the following:

"21.1 The Act is amended by adding the following after section 532:

532.1 The Minister of Justice shall prepare and cause to be laid before each House of Parliament an annual report for the previous year on the operation of the provisions of this Part that includes

(*a*) the number of orders granted under section 530 directing that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak both official languages of Canada;

(*b*) the number of trials held in French outside the provinces of Quebec and New Brunswick; and

(*c*) the number of trials held in English within the province of Quebec.".

4. *New clause 21.2, page 9*: Add before line 4 the following:

"21.2 The Act is amended by adding the following after section 533:

533.1 (1) Within three years after this section comes into force, a comprehensive review of the provisions and operation of this Part shall be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken under that subsection or within any further time that may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.".

5. *New clause 45.2, page 20*: Add after line 16 the following:

"45.2 (1) If Bill C-2, introduced in the 2nd session of the 39th Parliament and entitled the *Tackling Violent Crime Act* (the "other Act"), receives royal assent, then subsections (2) to (4) apply.

(2) If subsection 21(3) of the other Act comes into force before section 7 of this Act, that section 7 is replaced by the following:

7. Section 255 of the Act is amended by adding the following after subsection (3.2):

(3.3) For greater certainty, everyone who is liable to the punishment described in any of subsections (2) to (3.2) is also liable to the minimum punishment described in paragraph (1)(*a*).

(3) If subsection 21(3) of the other Act comes into force on the same day as section 7 of this Act, then that section 21(3) is deemed to have come into force before that section 7 and subsection (2) applies as a consequence."

6. *Clause 46, page20*: Replace line 17 with the following:

"46. Sections 7, 8, 18 to 21.2, 29, 35, 37 to 40,".

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

JOAN FRASER
Chair

OBSERVATIONS
to the Fourth Report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-13)

Your Committee would like to express an additional concern on the use of official languages in criminal proceedings, with regard to the special situation of Canada's Aboriginal people.

Clause 31 of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), refers to the Territory of Nunavut. Your Committee is sensitive to the reality that many Aboriginal people speak neither of Canada's official languages. The additional difficulties created by interpretation are broadly recognized.

Your Committee pointed out in the observations attached to its Second Report on Bill S-10, *A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law*, tabled on November 25, 2004, the existence of "Aboriginal traditional law, [which] pre-existed the two other sources of law", and urged that "a way should be found to integrate Aboriginal legal traditions into Canadian law alongside the civil and common law in a manner that will better reflect Canada's diversity."

The importance of training and appointing judicial personnel in criminal cases who are fluent in the appropriate Aboriginal language, particularly in the more isolated northern communities, should be among the

priorities of the Department of Justice and the Department of Indian and Northern Affairs. To this end, the Committee also urges the government to collect statistics on the number of criminal proceedings where aboriginal languages are used.

The Committee notes that the Minister of Justice in his appearance before the Committee on November 28, 2007, acknowledged the concerns of the Committee that not only judicial personnel, but also defence counsel in some parts of the country lack the capacity to communicate with the accused in a minority official language. The Minister agreed to follow up with his provincial counterparts on the issue, indicating that:

> [t]he training of defence lawyers is not exactly within the federal sphere, but I would be pleased to pass along those comments.

One final observation concerns the fear expressed by a witness of the potential extra-territorial application of clause 5 of the bill, which deals with the transmission and reception of information relating to book-making, betting and wagering, among other things. For the sake of clarity, the Committee wishes to note that it is satisfied that clause 5 of the bill will not have extra-territorial application.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CANADIAN ENVIRONMENTAL PROTECTION ACT AND RECEIVE PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to undertake a review of the Canadian Environmental Protection Act (1999, c. 33) pursuant to subsection 343(1) of the said Act;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than February 29, 2008.

• (1425)

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET ON MONDAYS DURING ADJOURNMENT OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting, I will move:

That, pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages, and National Security and Defence, as well as the Special Senate Committee on the Anti-terrorism be authorized to meet at their approved meeting times as determined by the Government and Opposition Whips on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding a week.

[*English*]

APPROPRIATION BILL NO. 3, 2007-08

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-35, An Act for granting to Her Majesty certain sums of money for the Federal Public Service of Canada for the financial year ending March 31, 2008.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading later this day.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding rule 95(4), the Standing Senate Committee on National Security and Defence be authorized to sit on Monday, December 17, 2007, from 4:00 p.m. to 8:00 p.m., even though the Senate might be sitting at that time.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to sit on Monday, December 17, 2007, and on another day to be determined in January 2008, even though the Senate may then be adjourned for a period exceeding one week.

• (1430)

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

NEED FOR REFORM—NOTICE OF INQUIRY

Hon. Peter A. Stollery: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to the need for reforms to the Canadian International Development Agency.

QUESTION PERIOD

THE ENVIRONMENT

CLIMATE CHANGE—REPRESENTATIONS TO GAIN SUPPORT OF UNITED STATES

Hon. Grant Mitchell: Honourable senators, the government dismisses the Kyoto Protocol, not because it has anything in particular against the protocol, but because it has something against any protocol that might do anything to address climate change. They simply do not want to address climate change.

When that argument grows tired and old, they pull up the next argument, which is that Canada will not commit to anything serious until China, India and the United States commit to something serious, knowing full well that a Republican United States will never commit to something serious.

If this government was sincere about their argument that they will do nothing until the United States does something, one presumes they would be putting profound pressure on their friends in the United States to make that commitment.

Will the Leader of the Government in the Senate tell honourable senators what official, formal and constructive steps her government has taken to make the case to the United States that they have to make real commitments to real and mandatory reductions in emissions so that Canada can also undertake to do that?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Mitchell for that question. The government is exercising strong leadership on the issue of the environment. As I mentioned previously in this place, the position of the government has been clear, as enunciated by the Prime Minister at the G8, at APEC and at the Commonwealth Summit. Minister Baird is in Indonesia at the moment presenting our position.

The Government of Canada, as do many other governments in the world, recognizes that we cannot deal with what did not happen in the past; we must move forward on the important issues with regard to the environment. The way to move forward is to include major emitters like the United States, India and China in the negotiations.

In response to the specific question about the United States, the government has made it clear many times that it is unreasonable to expect this issue to progress if the United States, China and India are not part of the plan to go forward.

I am surprised at the senator's question because, rather than accusing us of being too close to the United States, he is now suggesting that we are not close enough to them and that we should be pressing them to get moving. In fact, we have always taken an independent position from the United States on the environment and on many other issues, as have past governments. It is clear that the way forward, as most people understand, is to involve all countries in this discussion, not just some countries.

Senator Mitchell: Honourable senators, if the government was serious about climate change, the way forward would be to talk to the United States, because a choice has been made to do that without our recommendation, and put pressure on the United States in public and private fora so that something would be done. For a start, has the Prime Minister picked up the telephone and phoned his good friend George W. Bush and told him that we need the United States to make a commitment to mandatory emissions reductions before Canada can find the wherewithal to proceed without them?

• (1435)

Senator LeBreton: Honourable senators, when the Prime Minister appeared at the United Nations he made that case clearly. I am surprised that the honourable senator did not notice.

I suggest to Senator Mitchell that crying over spilled milk, as my father used to say, over things that did not get done is not the way to move forward. The way forward is the action that the government has taken with the support of many other countries at the conference in Indonesia. This conference is not the end, but the beginning of a process as to where we go from here.

I believe the government is taking a responsible position. This position is the only one our government can take that will not only allow us to move forward with our own plans on the environment, but also live in the real world where other countries, the major emitters, must also be at the table to deal with this matter.

The Prime Minister, the Minister of the Environment and other ministers who have travelled to Washington, including our ambassador to the U.S., have made clear the government's position on the environment. Minister Baird has said many times, including yesterday, that it makes no sense in Canada to close down a coal-fired electrical producing plant only to turn around and buy the electricity from a plant in Michigan which continues to pollute at a higher cost and at the cost of Canadian jobs.

Senator Mitchell: The only consistent position this government has taken is the excuse for not taking action, which we could take on our own and become a leader in the world.

[*Translation*]

Even though the Prime Minister has not called President Bush, perhaps the Minister of the Environment has organized meetings with American officials in Bali on this issue, or is he preoccupied with allegations of bribery in the City of Ottawa?

[*English*]

Senator LeBreton: Honourable senators, I think the question of the honourable senator was lost in translation.

Senator Mitchell: Has the Minister of the Environment done anything in Bali to meet with officials of the United States to press this argument that they should commit, if that is what it takes for Canada to commit, or is he preoccupied with these allegations of bribery in the City of Ottawa?

Senator LeBreton: This is the kind of ridiculous question I hear from time to time.

The minister and many officials from Canada, including people like Pierre-Marc Johnson, are representing Canada at the climate change conference in Bali, Indonesia. They are engaging government officials from many countries. As I said in my earlier answers, many countries support Canada's position.

With regard to the rather inappropriate question of the honourable senator, why would Minister Baird be concerned about an issue with which he has no involvement? As has been said many times of this particular individual in Ottawa who has made these allegations, it is clear that there is no evidence which links this issue to Minister Baird. That was briefly mentioned in one of today's newspapers.

This type of mud-slinging and innuendo is a serious situation.

• (1440)

The *Ottawa Citizen* ran an article this morning implicating various people who are in no way, shape or form connected with the current charges against the Mayor of Ottawa. The article made them part of the story. They might as well add my picture too because I voted for Larry O'Brien. That is how ridiculous it is becoming. They put the Prime Minister's picture in the story with a true and honest quote that Minister Baird and the government were not approached for an appointment and no appointment was made. I never saw such a fuss over something that never happened. This kind of nonsense, honourable senators, does not serve the Senate, either your party or my party well.

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, in the absence of the Minister of Public Works, my question is for the Leader of the Government in the Senate. As she knows, this week is the grand anniversary of the Accountability Act, Bill C-2. I would like to ask her a question that is related to a question I asked last week.

Since taxpayers have paid almost a million dollars for an independent study on polling, could the Leader of the Government in the Senate, who could give me an update on this issue, tell me when the government, two months later, intends to table the report on polling so that we may review it and make our own recommendations?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, there were two parts to the answer from the Minister of Public Works and Government Services answer with regard to the amount of money spent on polling by the various departments. This information came as a surprise to most people in government. The minister announced there would be quick action and that measures will be taken to deal with the issue of polling by departments. With regard to the specific report, Minister Fortier said that the report would be released soon. Either the minister or I would be happy to let the honourable senator know roughly when that report will be made available to the public.

[*Translation*]

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to have a more specific explanation as to why we are not getting said report. Last week the minister bluntly said that he intended to impose a moratorium. That was at two o'clock in the afternoon. Later that day, a member of his staff informed us there would be no moratorium. Nonetheless, between two o'clock and five o'clock, it seemed that the Marketing Research and Intelligence Association, which represents the polling industry, had already been in contact with the minister's office and with the Prime Minister's Office.

The Accountability Act states that the government is to disregard lobbying and it condemns this abstract way of doing things. Can the Leader of the Government in the Senate tell us whether the people who intervened were lobbyists for their own industry? Did they make the government change its position? Is that why there will no longer be a moratorium? Can the minister tell us why a good position was reversed? Is it because of the intervention by the market research association or is simply because of how close we are to a possible election early in the new year?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Minister of Public Works and Government Services adequately answered that question. Unlike the previous government, the polling was done by departments and not under the guise of polling for political purposes as in the past.

[*Translation*]

PRIVY COUNCIL OFFICE

OBJECTIVITY OF POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): The Minister did not understand my question. It is my understanding that $1.3 million was spent by this government, specifically by Privy Council, which is the department of the Prime Minister, and thus of all departments. It is quite surprising that the government would not know how much its ministers or departments spend. Were the polls conducted by the Prime Minister's Office objective polls, which have no value in terms of polling about the Conservative Party's election platform?

• (1445)

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, all of this information is public. When the newspaper through access to information came out with the number, the minister quite rightly stated that much of the polling and research done by the various departments in terms of the work within their departments came as quite a surprise to some of us. We are looking at the whole issue.

However, to suggest, as Senator Hervieux-Payette did, that somehow or other there is a political connection to this, is quite wrong. Minister Fortier was very forthright and apologized for the information that he supplied to the Senate during Question Period last week. He corrected the record the very next day.

PUBLIC WORKS AND GOVERNMENT SERVICES

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate.

She keeps using the word "surprise." Is the government, of which she is a significant part, running this country or is it not? If it is not, why does it not resign?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the fact is that government departments are given sums of money, as the honourable senator knows because she was at one time part of the cabinet. When reports came out about the amount of money that the various departments had spent on research and polling, it was a surprise.

The government is looking at this situation. I assure the honourable senator that this is all publicly available information. The government felt that this amount was perhaps more than what was required.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMENTS BY MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES

Hon. Joan Fraser: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, Senator Fortier, in response to questioning from the Leader of the Opposition in the Senate, made some remarks about the Standing Senate Committee on Legal and Constitutional Affairs. He said, among other things:

> In 2003 the Auditor General looked at the problems with public opinion and polls. Where was this famous committee in 2005 when she talked about it? What was it doing? It was doing nothing, as usual.

I do not have the precise data for only 2005 before me. However, I recall for colleagues that in the first session of this Parliament, the Standing Senate Committee on Legal and Constitutional Affairs handled 13 bills, including the accountability bill and the Senate tenure bill, both of which were major bills. The Legal Committee amended six bills and made observations to seven bills, under the able chairmanship of Senator Oliver.

In fiscal 2006-07, the Legal Committee held 62 meetings, for a total of nearly 154 hours, and heard testimony from 231 witnesses. That actually ranks well ahead of a significant number of committees in this chamber, and all committees of the Senate, in my view, work hard.

Would the Leader of the Government in the Senate be prepared to suggest to her colleague that he attend a few meetings of Senate committees so that he might learn what we do? In the meantime, is she prepared to tell us all, including notably her own colleagues, Senator Oliver and Senator Andreychuk, whether she agrees with his view that the Standing Senate Committee on Legal and Constitutional Affairs usually does nothing?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Fraser for her question. I will be happy to provide Senator Fortier with a copy of her well-articulated defence of the Standing Senate Committee on Legal and Constitutional Affairs.

• (1450)

[*Translation*]

NATIONAL DEFENCE

RECRUITMENT

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. I recently visited my regiment, where the soldiers told me that in a period of 10 years' service in the Armed Forces, they had to participate in seven missions outside Canada. Soldiers now spend more time in combat than veterans did in World War II.

The government, which has been in power for almost two years, promised a significant increase — I have heard the number 23,000 — in Armed Forces personnel. Where do we stand in terms of the net increase, particularly with regard to the combat arms?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As a member of the Armed Forces, Senator Dallaire is well aware that the recruitment process takes time. The Department of National Defence, the Chief of the Defence Staff and the military in general have put forth a vigorous effort to recruit new members to the Armed Forces.

In response to the honourable senator's question, I will ask the Department of National Defence to provide us with its latest recruitment numbers and the estimated amount of time necessary to have these new recruits combat-ready.

Senator Dallaire: The tone of the leader's response is not very optimistic; I hope the numbers will be more so. We have had two years to conduct that recruitment.

RIGHT OF TROOPS TO TALK TO THE MEDIA

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to ask the leader a question regarding the right of troops to talk to the media.

In 1998, the previous government realized that for transparency — and probably morale — and information to all ranks that it was wise to allow the troops be interviewed. The previous government realized that it was better to let the corporals talk about what was going on than have the people of this country hear the news from spokespeople.

As one of the people who support the efforts in Afghanistan, I am amazed — I thought we should have sent more troops than we did — at the turn of events given that your best salespeople for the mission have been the troops, their families and their commitment.

What is this sudden gag order that the troops are no longer allowed to speak to the media?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I read that article as well. I am not aware of any gag order. By the way, many of the people who previously would have been in a position to train the recruits are in Afghanistan.

I do not recall a situation where troops in the field have necessarily been talking to the media. Their senior officers and the Chief of the Defence Staff have normally spoken on behalf of the troops in theatre, and in the country. I have seen nothing that has changed that situation.

Senator Dallaire: I beg to differ significantly with the leader in that regard, both by experience and by watching what is going on. I wonder if the leader could confirm that no such orders or instructions have come from the Privy Council or the Prime Minister's Office concerning the troops speaking to the media in theatre, and possibly back home in training?

Senator LeBreton: I will take the senator's question as notice. Practically every time I turn on the news or open a newspaper, I see or hear stories of the troops in the field. The soldiers themselves are commenting on their work and the challenges they face.

From my own personal observations, I have not seen any evidence that any of the personnel are not free to speak. I think when most people in the military — and my own son was in the military — are involved in a particular endeavour, most often the officers in charge in the field speak for them. However, that does not prevent them from speaking to the media. Every day there are human interest stories, especially with the media who are on the ground in Afghanistan. I have seen nothing that has changed, but I will attempt to find out for Senator Dallaire.

• (1455)

Senator Dallaire: Honourable senators, I do not want to get into an argument about troops speaking in the field. My question is intended to remind the honourable senator that this instruction seems to have been very recent. I hope that is not true.

Senator LeBreton: Senator Dallaire said "seems to have been." However, I will take the question as notice.

THE ENVIRONMENT

REPORT OF DEPARTMENT OF NATURAL RESOURCES

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate.

A number of polls demonstrate that climate change and the environment are issues at the forefront of the minds of Canadians. The Department of Natural Resources commissioned a report entitled *From Impacts to Adaptation: Canada and Climate Change in 2007*. This report has not yet been released, but questions about it have been addressed to ministers. When Minister Lunn, the Minister of Natural Resources, was asked about it, he referred in committee and in answer to other questions to Minister Baird, saying that questions about the report should be addressed to him. Minister Baird, who appeared before the House of Commons Committee on Environment and Sustainable Development on December 4, said that he had nothing to do with the study and that the questions should be addressed to Minister Lunn. When Minister Baird was asked whether Minister Lunn had been wrong to suggest that the inquiries should be directed to him, Minister Baird replied, "That is correct."

My question is: Since neither the Minister of Natural Resources nor the Minister of the Environment are able to comment on this report, to whom should we address our questions?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, did the honourable senator say that the report has not yet been released?

Senator Banks: I understand that the report has not been released.

Senator LeBreton: We should wait for the release of the report before a minister is designated to respond to it.

Senator Banks: The report was completed a long time ago, and it deals with matters that are cogently important now. The report is at least weeks if not months old. Is it the government's intention to release the report in the foreseeable future?

Senator LeBreton: I will take that question as notice. The honourable senator is quite correct that people list the environment as an area of concern, among others, and the government has responded to concerns about climate change, on conservation, on enforcement and on clean water. In budget 2007, we invested $4.5 billion in the environment. This amount was significantly more than what was provided by the previous government.

Senator Banks: If I understand correctly, the honourable senator will undertake to inform us whether the government intends to release the report in the foreseeable future?

[*Translation*]

JUSTICE

CRIMINAL CODE— POSSIBLE REVIEW OF THE PAROLE PROCESS

Hon. Jean-Claude Rivest: Honourable senators, the National Parole Board's decision to deny parole to Robert Latimer came as a big surprise in Quebec, as I am sure it did throughout Canada.

I know that since the government was elected it has proposed a number of amendments to the Criminal Code in order to toughen legislation with respect to certain crimes, for example, the formula used for minimum penalties, although many people doubt the effectiveness of that formula.

To meet the needs of Canadians when it comes to safety, I would ask the minister whether it is not perhaps time for Canada to review the entire process. Some provinces with parole boards have done this. In Quebec, parole legislation was reviewed after a case in which a prisoner killed a young child while he was under government protection. The problems involving safety, administration and the criminal law in Canada have more to do with the way paroles are administered than they do with the provisions of the Criminal Code, as the government seems to believe.

• (1500)

Of course, the Parliament of Canada cannot interfere in the decision on Robert Latimer's case, which is a quasi-judicial decision that must be respected. Nevertheless, given this situation, and other situations in Canada when criminals have been released under the parole act to the surprise of the public — it is not that the entire system is bad — I ask the minister to speak to her colleagues about whether or not it is time for Canada to thoroughly review all our parole procedures.

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, with regard to the case of Robert Latimer, Senator Angus inquired about that last week. There was been strong public opinion on both sides. As far as I know, no further discussion has taken place on the Latimer case.

With regard to the mandate of the parole board and the criteria by which they make their decisions, I am not aware at the present time of any overhaul or revision of the mandate of the parole board, but I will be happy to take the honourable senator's question as notice.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on October 30, 2007, by Senator Campbell regarding public safety and cigarette smuggling in Canada.

JUSTICE

CIGARETTE SMUGGLING

(Response to question raised by Hon. Larry W. Campbell on October 30, 2007)

This government has taken several measures on border security and trafficking, including beginning to hire and arm 400 new border officers.

The Royal Canadian Mounted Police (RCMP) and the Canadian Border Services Agency (CBSA) are among several federal and provincial agencies which have an interest in contraband tobacco enforcement. Under the Federal Tobacco Control Strategy, the RCMP and CBSA have dedicated intelligence analysts and officers to closely monitor the illicit tobacco market. The RCMP, in concert with domestic and U.S. law enforcement agencies at all levels, continues to work in close collaboration to combat the illicit tobacco market through various crime prevention, training and enforcement initiatives. This includes partnerships with First Nations police services to address the threat of organized crime and cross-border criminality, including contraband tobacco smuggling, on or around First Nations territories. The CBSA takes all smuggling of contraband at the border seriously. The CBSA continues to assist in the fight against contraband tobacco at the border by using a variety of contraband detection equipment, intelligence activities and officer training. The CBSA works to prevent, detect, analyze, monitor, seize and prosecute persons involved in tobacco smuggling.

This government recognizes that the issue of contraband tobacco is not unique to First Nations communities. Significant sources of contraband tobacco include: products unlawfully/lawfully manufactured in the U.S. (on or off reserve) and then smuggled into Canada; counterfeit tobacco products and international brands entering the country illegally; and stolen tobacco products (e.g., convenience store and cargo thefts, truck hijackings).

In addition to current efforts, with the money received in Budget 2006, the RCMP will be adding another 70 Customs and Excise members between now and 2010-2011 to address this issue.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC WORKS AND GOVERNMENT SERVICES—RELOCATION OF PUBLIC SERVANTS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Downe.

PUBLIC WORKS AND GOVERNMENT SERVICES—NAMING OF GOVERNMENT BUILDINGS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 8 on the Order Paper—by Senator Downe.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Eyton, for the second reading of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I know that Senator Baker would like to say a few words about this bill at second reading, but in accordance with rule 37(3), I would like to reserve the 45-minute allocation for Senator Bryden, who is the critic for this bill.

[*English*]

Hon. George Baker: Honourable senators, I will not give a speech on this bill.

Some Hon. Senators: Shame.

Senator Baker: I rise to point out what may be a matter of concern to honourable senators when this bill goes to committee stage.

Before I do so, I wish to congratulate the government side of the Senate on what transpired last week before two committees of the Senate in which the Minister of Justice appeared. Those of you who were not there probably saw it on CPAC.

The minister congratulated the Senate. In his opening statement, he said that the government recognizes the expertise of the Special Senate Committee on Anti-terrorism, headed by Senator Smith; and then he announced that a major change in the anti-terrorism legislation would be introduced by the government side at the first appropriate time, which the minister attributed to the knowledge and expertise of the Senate committee. I think that should be recognized, honourable senators.

The change, honourable senators — in case some of you missed it — is that the words "for any other just cause" will be removed from the anti-terrorism legislation. Those words enabled a judge to detain someone — perhaps put that person in jail eventually if the recognizance was violated — for the overly broad phrase "for any other just cause."

The minister gave full credit to the Senate, and said some great words about the expertise of the Senate members in that Special Senate Committee on Anti-terrorism and the work the committee has done. I was not part of the committee, which has been there since the fall of 2001, as I understand it. I wanted to put that on the record.

As far as this bill is concerned, honourable senators would know that I read a lot of case law as a matter of interest. I have been doing that for 35 years. I have noticed from time to time when we pass legislation that some things in the legislation, perhaps sometimes inadvertently — but we could see it if we looked at it and analyzed it in the first instance — violate that great maxim that says, it is better to allow nine guilty persons to go free than to convict an innocent person.

One provision of the Criminal Code that I had a concern about in 1982 was a provision under the impaired driving bill, which said if someone failed to do a test — not that they failed the test, but that they failed or refused to do a test without just cause — that person would be considered to have committed the offence.

What we were concerned about in 1983 was that they must blow into an instrument when taking a drug-impairment test. The instrument has been described sometimes as being similar to blowing up a balloon. The concern was that perhaps some people cannot do that — people who have asthma or some other physical problems.

In the legislation, it says "without just cause." If they have just cause, that means right now they would need to have a doctor take the stand to say that they have asthma and, therefore, they cannot provide a breath sample at roadside or in the police station.

That is part of our law right now; but then along comes this bill that is aimed at those people who take drugs by prescription. When this bill was first introduced in 2004 under the previous administration, the minister gave a speech and the department issued a press release that said this new scheme in the Criminal Code will be to catch those who drive while taking prescription drugs and illegal drugs.

One part of the bill concerns me, honourable senators. When we discuss it in committee, I think it may concern a lot of people.

Do not forget that to judge the effect that a prescription drug has on someone, a roadside physical dexterity test would be the first test given. If we look at the case law of recent years, it is similar to the tests that we see on the American television channel, and we will see this test now on Canadian television. In this bill, a camera will be able to film the entire procedure.

• (1510)

Honourable senators, I will provide an example of the test. At certain times of the year, such as Christmas and New Year's, police officers will stop vehicles at the side of the road and ask, "Have you been drinking today?" That is the first question asked. If the person says, yes, and because the law says if the officer has reasonable grounds to suspect that someone has alcohol in their system, the officer will request that the person blow into a roadside instrument. The person does that and if they fail, then there are "reasonable grounds to believe" and a demand is presented to the person to accompany the police officer to the police station to take part in a breathalyser examination regime. That is in the existing law.

Under this bill, consider this question to a driver: "Do you have any drugs in your system or have you taken any drugs?" The person might reply, "Yes, I am on certain types of drugs." The legislation then says that a roadside physical coordination test shall be done. I have seen the list of tests and it includes standing on one foot without losing one's balance. You lose points if you put out your hands to keep your balance. The next test is to take nine steps in a straight line in a heel-to-toe fashion. You lose points if you depart from the heel-to-toe. Then there is the touch-the-nose test, and you lose points if you cannot do it. Another test, which I omitted, is to try to hop a short distance on one foot. There are five tests in all and they fall under a new section 254, physical coordination tests.

The next page of the bill includes an evaluation. An evaluation will be done and if a person fails or does not earn enough points on the tests, then the officer has reason to believe that the person may be impaired by drugs. The person will be asked to accompany the officer to the station where an evaluation officer will conduct an evaluation. The evaluation covers the pupils of the eyes, the colour of the person's skin and blood pressure. The third step is for the officer to request a urine sample, which is examined by a toxicologist at another location. If a drug is found present in the person's urine, then he or she is guilty of being impaired.

The next section that concerns me states that "everybody commits the offence who, without reasonable excuse, fails or refuses to comply with the demand made under this section."

Senator Segal: Is that new?

Senator Baker: That is not a new section. That is precisely stated in the current legislation. Thus, we encounter the problem that someone could fail to provide an adequate sample without just cause if one does not have a good medical reason presented at the court trial.

When one is asked to provide a sample of bodily fluids, remember that everything a person does when at a police station is in the company of a police officer, and for good reason: The integrity of the sample must be maintained. For example, a person cannot be allowed to enter a washroom and ingest something that would skew the test results so there is constant supervision.

Honourable senators, I can understand where there could be a problem with someone in the first instance performing the physical dexterity tests. I can also understand where there could be a problem with someone who must give a sample of their bodily fluid on demand in front of another person, given that, if one fails to do so, one is guilty of the offence.

The existing law states "without reasonable excuse," as pointed out by the honourable senator and as stands in the code, one could have asthma and prove it, but not under this proposed legislation. This is new law. Therefore, the committee must examine Bill C-2 carefully so that someone innocent is not convicted simply because some alternate means is not provided in the legislation to prove innocence. That is the only clause of the bill that I wanted to highlight for honourable senators today. Expert witnesses should be heard on the subject matter of Bill C-2.

I mention this in detail because there is a great deal of case law on the books in respect of people who have been judged to be impaired by prescription drugs. The Manitoba Court of Appeal struck down the drug recognition examination when this was introduced by an honourable member in 2007 because the examination was deemed to be only 44 per cent to 76 per cent accurate. It was, therefore, not enough to provide, beyond a reasonable doubt, reason to convict.

The Hon. the Speaker *pro tempore*: The honourable senator's time has expired. Is he asking for time to continue?

Senator Baker: Honourable senators, I would ask for a couple of minutes.

Some Hon. Senators: Agreed.

Senator Comeau: Two short minutes.

Senator Baker: Honourable senators, I do not think that the intention of the government is to put anything in this bill that would convict innocent people. However, I firmly believe that we should take whatever steps we can. Perhaps the existing law is deficient and should have said the police could take a sample if the accused wished them to do so. A person would have the option to declare his or her innocence and ask an officer to take a sample to prove it. The police officer could say, "No, I am not required to do that." One sees case after case to support that.

Perhaps something should be considered in the bill to safeguard against these kinds of convictions. Honourable senators, this will be a major change in our law because these tests will be conducted at roadside in every community in the country. You will see people outside their cars, in full public view, trying to walk a straight line and to stand on one foot. That is new for our system. Whereas all the tests were done quietly in the back of a police cruiser, now perhaps it will be something you will see on television every day.

• (1520)

I do not see anything wrong with the rest of the bill. I noticed that the Canadian Bar Association was disturbed about certain sections of the bill. I do not agree. I think that most of what is in that provision is good law, with the one caveat that I think we had better examine that one particular section carefully.

Hon. Sharon Carstairs: Honourable senators, we are at second reading of Bill C-2, which is an omnibus bill. I want to raise my concerns about the principle of mandatory minimum sentences. I want to relate my concerns, honourable senators, to the case of Robert Latimer.

Robert Latimer was convicted of the murder of his daughter, Tracy, who was a disabled child in incredible pain. The parents of this child probably did not receive the support they required from the social service network. At one point, they released their child into the care of social services. The child lost 35 pounds and the parents asked that the child be returned to them, where they would spend two to three hours at each feeding getting food into this seriously physically and mentally disabled child.

What Robert Latimer did was wrong. Robert Latimer murdered his child. Of that, I think there is no doubt. What is at doubt is the appropriateness of the punishment to which Robert Latimer has been subjected.

When I was in Geneva last week and I heard the word that he had been denied parole, frankly, I was dismayed. Robert Latimer has served seven years in jail. That is one year more than Karla Homolka. I repeat: seven years in jail.

The jury that convicted Robert Latimer in his first trial said they wanted him to receive a punishment of two years. The judge who brought down that sentence said he should serve one year in prison and one year in custody on his farm. However, that sentence was overturned. It was overturned because the appeal court ruled, rightly, that the sentence is not what the law says.

The law says that anyone convicted of murder, whether it is first degree or second degree, is sentenced to life imprisonment. If it is first-degree murder, the minimum eligibility for parole is 25 years; and if it is second-degree murder, minimum eligibility for parole can be 10, 15 or 25 years, depending on the judge.

The sentence for Robert Latimer was life in prison, with no eligibility for 10 years. The one window of opportunity is that he can apply for day parole at seven years. That is what Robert Latimer applied for, day parole, and it was denied. The reason it was denied, honourable senators, was because they said he was not sufficiently remorseful. With the greatest respect, Robert Latimer believes what he did was the right thing. I may not believe that — in fact, I do not believe it — but he believes it.

To recommend that Robert Latimer receive more counselling will not accomplish anything. The question now becomes: Will he even be considered eligible for parole in 10 years or will he be asked to spend the rest of his life in jail? If anyone ever asks Robert Latimer if he thinks what he did was wrong, he will say: No. I lived with that child. She was in incredible pain. I had no choice. I did what I had to do.

That is the danger, honourable senators, of mandatory minimum sentences.

The Special Senate Committee on Euthanasia and Assisted Suicide, in its report *Of Life and Death* in 1995 — committee members remaining in this chamber are Senator Keon, Senator Corbin and myself — recommended that there be a murder 3 charge. If a jury, finding a conviction of murder, then said that they believed that the murder was done for compassion, the jury should have a right to recommend to the judge an appropriate sentence for that crime. In other words, in a murder 3 charge, the mandatory sentence is eliminated.

Honourable senators, mandatory minimums are regarded as a quick fix, and that we can deal with a problem immediately. However, honourable senators, sometimes mandatory minimums lead to an incredible miscarriage of justice. In the case of Robert Latimer, leaving him in jail for one day longer, in my view, is an incredible miscarriage of justice.

[*Translation*]

Hon. Jean Lapointe: Honourable senators, I was moved by the speech given by Senator Carstairs and I would like to ask her a question. Could she please tell us if Mr. Latimer went to the Supreme Court, or did he simply accept the Court of Appeal verdict?

[*English*]

Senator Carstairs: No, this case was taken to the Supreme Court of Canada. One issue that the Supreme Court of Canada raised in their judgment was that there was medication that could have kept Tracy Latimer from suffering the incredible pain that she suffered. Unfortunately, they never identified what that medication was. To this day, no one knows what medication could have kept her from that incredible pain.

On motion of Senator Tardif, debate adjourned.

APPROPRIATION BILL NO. 3, 2007-08

SECOND READING

Hon. Terry Stratton moved second reading of Bill C-35, An Act for granting to Her Majesty certain sums of money for the Federal Public Service of Canada for the financial year ending March 31, 2008, presented in the Senate earlier this day.

He said: Honourable senators, Bill C-35, Appropriation Act No. 3, 2007-2008, seeks Parliament's approval to spend $8 billion in voted expenditures as outlined in Supplementary Estimates (A).

Supplementary Estimates (A) for the current year, fiscal 2007-08, were tabled in the Senate on October 30, 2007 and referred to the Standing Senate Committee on National Finance. They were discussed in some detail with officials from the Treasury Board Secretariat in their appearance before the committee on November 20.

Senator Day, in presenting the committee's report on these supplementary estimates last Thursday, has already provided the Senate with an extensive account of the issues, questions and concerns raised by the honourable senators at the meeting and of the answers that were provided. I thank Senator Day for that.

• (1530)

I take this opportunity to thank and acknowledge the officials from the Treasury Board, who helped the committee understand these requests for supply: Mr. David Moloney, Senior Assistant Secretary in the Expenditure Management Sector, and Mr. Brian Pagan, Acting Executive Director in the Expenditure Operations and Estimates Division of the Expenditure Management Sector.

Honourable senators, Supplementary Estimates (A) reflect $13.6 billion in budgetary spending. Of this, $8 billion requires the approval of Parliament and includes such major budgetary items as $1.5 billion for National Defence operations, including $875 million for the Canada First defence plan; $1.2 billion reflecting the new central vote for annual routine adjustments for departmental operating budget carry forward; $573.8 million in funding for the Canada Strategic Infrastructure Fund; $500 million for a new central vote for departmental paylist requirements; $327 million to fund infrastructure under the Provincial-Territorial Base Funding infrastructure program; $182 million in funding to help low-income Canadians, people with disabilities, seniors and Aboriginals to live in decent, affordable housing; $127 million in funding for the Municipal Rural Infrastructure Fund; $121 million in funding for additional RCMP positions and law enforcement priorities; and $116 million in funding for the ecoAUTO Rebate Program.

These supplementary estimates also outline an increase of $5.5 billion in budgetary statutory spending that has been previously authorized by Parliament.

Adjustments to projected statutory spending are not part of this supply bill and are provided for information purposes only in the supplementary estimates documents. They include $1.5 billion to implement the Clean Air and Climate Change Trust Fund; $1.2 billion for fiscal equalization; $795 million in support of the Canada Social Transfer; $614 million for transitional payments; $612 million to initiate the Patient Wait Time Guarantees; $401 million for the cost of production benefit to assist agricultural producers; $300 million to assist provinces and territories with the cost of the vaccine that helps prevent cervical cancer; and $250 million for child care spaces.

These expenditures are all within the planned spending set out by the Minister of Finance in his March 2007 budget.

Honourable senators, should you require additional information, I will try to provide it.

Hon. Joseph A. Day: Honourable senators, as Senator Stratton has just indicated, I spoke at length on the report of our committee, which had studied the Supplementary Estimates (A) document, and we reported on that last week. Supplementary Estimates (A) was received approximately a month ago. The first step that we take when we look at Bill C-35, which is a supply bill, is to look at the schedules attached to it to ensure that those schedules reflect what is in Supplementary Estimates (A). There are two schedules, 1 and 2. I have done so and confirmed that the schedules are the same. Therefore, we are looking in the supply bill at seeking authority through legislation to implement the right to expend the funds outlined in Schedules 1 and 2.

I have pointed out in the past that Schedule 1 is for this fiscal year expiring March 31, whereas Schedule 2 extends for a two-year period. It is important for honourable senators to be aware of that. The Schedule 1 document is a large part of the expenditures. We are talking here of $13 billion, honourable senators, but as has been pointed out by Honourable Senator Stratton, $5.5 billion of that is statutory and is provided in the Supplementary Estimates (A) for information purposes only.

The amount that honourable senators are being asked to vote on at this time is $8.1 billion divided between the two schedules. We have been assured by Treasury Board that the $13 billion, being the $8 billion plus $5 billion, is still — when one takes all the authority that was asked, both statutory authority and voted appropriations in the Main Estimates, and adds the $13 billion being requested at this time — within the projected expenditure of the government of $233.4 billion for the year. It is still within that limit. We are not up there yet, so one can anticipate a Supplementary Estimate (B), which will probably bring the expenditure up to the anticipated full-year expenditure. That Supplementary Estimate (B) is normally received here by late March. It picks up all of the late initiatives in the year that were probably known but not fully developed enough to claim a specific amount.

When I gave the report last week, I pointed out — and it is important for us to keep this in mind — the report indicated that the anticipated expenditure for this fiscal year of $233.4 billion can be compared to last year's known expenditures, what was expended by the government in fiscal 2006-07 of $222 billion; 233, 222 and the year before that, 209. One sees a trend we must be careful of, because we become dependent on the larger amount in the good times and it requires the government in power when the bad times set in to make some serious cuts, as was done in the 1990s.

The other trend that is somewhat troubling is that these supplementary estimates are in an amount of $13.6 billion. That is higher than estimates tend to be. The explanation for why they are higher can be seen if one compares supplementary estimates in good times versus supplementary estimates in bad times. The implication is that departments see that government is doing well; there is a surplus; therefore, we can take on more initiatives and spend more money in the supplementary estimates. That is something we should be very careful about in the future, honourable senators.

This bill is not extensive. There are really only seven clauses and two annexes. I pointed out the two different schedules. Schedule 2 extends for two years. There is one clause that I would like to point out and that is clause 3(2). The provisions of each item in Schedule 1 and 2 are deemed to have been enacted by Parliament on April 1, 2007. With the passage of this bill we in effect are giving authority retroactively to April 1 of this particular year. It is interesting to find these little elements tucked away in here. I wanted honourable senators to be aware of that particular one.

Of the full amount of $8 billion in voted appropriations that we are being asked to approve, $78 million is in Schedule 2 for those various agencies outlined in Schedule 2. By far the largest portion of the $8 billion that we are being asked to approve in Schedule 1 is for this fiscal year.

Honourable senators, I will be voting in favour of this supply bill.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Stratton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1540)

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 6, 2007, moved:

> That, notwithstanding the Order adopted by the Senate on October 18, 2007, when the Senate sits on Wednesday, December 12, 2007, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and
>
> That committees of the Senate scheduled to meet on Wednesday, December 12, 2007 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, for the purpose of clarity, Senator Day indicated today that this motion will allow the Finance Committee to sit before 4:00 p.m., which is the case. The motion has been agreed to by both whips.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-213, An Act to amend the Criminal Code (lottery schemes).—(*Honourable Senator Tkachuk*)

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to advise you that the Honourable Senator Di Nino has made a written declaration of private interest regarding Bill S-213, An Act to amend the Criminal Code (lottery schemes), which is currently before the Senate. In accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

Order stands.

[*English*]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING

Leave having been given to proceed to Senate Public Bills, Order No. 12:

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Smith, P.C., for the second reading of Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection).—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, I am pleased to speak today at the second reading stage of the bill presented by my honourable colleague from New Brunswick, Senator Ringuette. Bill S-219 contains two major parts that I will address today.

The first part of the bill deals with bureaucratic patronage. Specifically, it would allow the Public Service Commission to define "bureaucratic patronage" in its regulations. I am sympathetic to this part of the senator's bill, but there are problems with it.

First, under the Public Service Employment Act, about which I just spoke, Parliament gave the power to rule on abuses of authority to a new independent body, the Public Service Staffing Tribunal. The legislation makes it clear that "abuse of authority" includes the notions of bad faith and personal favouritism, the very types of behaviour that go hand in land with bureaucratic patronage. Therefore, "bureaucratic patronage" is already covered by our laws. In effect, rather than bringing clarity to the matter, this bill muddies the water.

If Bill C-219 becomes law, we would also be forced to make a major change in the machinery of government. We would be required to transfer the authority to rule on bureaucratic patronage from the tribunal to the Public Service Commission.

[*Translation*]

Lastly, the bill would place the PSC in a situation of conflict of interest, since the Commission is entitled to appear before the tribunal.

[*English*]

While we support the intent of the proposal in Senator Ringuette's bill regarding bureaucratic patronage, the tribunal already has this authority. By transferring this authority to the PSC we would be undermining the tribunal and our existing laws.

I would now like to address the second part of Senator Ringuette's bill, which would eliminate the use of geographic criteria in all external competitions run by the Public Service Commission. This issue has been the subject of intensive debates in Parliament for a number of years and, like my colleague Senator Ringuette, I am very keen to arrive at a workable solution. I have said many times in this chamber that I am

sympathetic to the goals of this bill. Opening external public service jobs to all Canadians regardless of where they live is something we all can support. It is worth remembering that the Public Service Commission has been diligently working on this issue for some time and has been making steady progress.

[*Translation*]

Over the past two years, the PSC has adopted a responsible, progressive approach in order to extend the use of a national area of selection to all advertised appointment processes.

[*English*]

The PSC has conducted an impact analysis every step of the way to ensure that the impact of each change is understood, including ensuring that the system is able to cope with the rise in applications. Full implementation is expected in December 2008, which is in itself pretty remarkable. This is a year behind the schedule originally established, but it is clear the PSC is moving along judiciously. For example, the president of the PSC testified here last month that she was surprised by how few Canadians were interested in applying for jobs in Ottawa. She learned about this through one of the impact analyses that were conducted during the phased-in approach to expanding the use of national area of selection.

Senator Ringuette's bill, however, does not take into consideration the readiness of departments. It would simply bring in a national area of selection across the board for all external competitions. Implementation would be immediate, with a likely surge in applications and annual costs, likely into the millions of dollars. This is in large part because the bill targets all external advertised appointments, including casual, seasonal, term and co-op student employment.

If Bill S-219 becomes law, we could expect gridlock to result in the appointment system across the country. This is the message I have taken away from the PSC, which currently enjoys the discretion to limit the national area of selection where it sees fit based on timing, cost and the technical and resource capacity of departments. Senator Ringuette's bill would take away that discretionary power, a power that was reaffirmed by Parliament only four years ago with passage of the Public Service Employment Act in 2003.

Therefore, we cannot support this bill. The PSC already has the authority from Parliament to eliminate geographic criteria and is moving forward as rapidly and judiciously as possible.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tardif bill, bill referred to the Standing Senate Committee on National Finance.

KELOWNA ACCORD IMPLEMENTATION BILL

SECOND READING

Leave having been given to proceed to Commons Public Bills, Order No. 5:

On the Order:

> Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Peterson, for the second reading of Bill C-292, to implement the Kelowna Accord.—(*Honourable Senator Stratton*)

• (1550)

Hon. Terry Stratton: Honourable senators, I stand today in opposition to Bill C-292, the Kelowna Accord Implementation Act. My position on the matter is informed by a careful analysis of the views expressed by my fellow senators and by a close study of relevant debates from the other place. This critical examination reveals undeniable significant truths.

While the meetings in Kelowna had good objectives and many good ideas, Bill C-292 articulates no strategy, but refers to a supposed "Kelowna Accord." No one denies that many meetings took place in Kelowna, but it is misleading to refer to any "accord." The term "Kelowna Accord" was coined by a journalist some two months after the end of the Kelowna meetings.

Thus, to reference any "accord" which implies some type of signed agreement is very misleading. With all due respect to the Kelowna process which took place, it is a simple, verifiable fact that no document was ever signed at the Kelowna meetings. Unfortunately, the only document that ever came out of the Kelowna meetings was a press release by the Liberal Party on the eve on an election, making certain large promises. What this means is that to adopt this legislation is to make a law which refers to either a document that does not exist, or to a Liberal press release.

Bill C-292 clearly calls on this government to abandon its current positive approach to Aboriginal issues — an approach based on clear, tangible results and reform of inadequate systems — in favour of the previous government's unfulfilled promises. There can be no doubt that the current approach has produced real progress on key issues such as drinking water, housing, schools and specific claim resolution, to name a few.

I encourage honourable senators to measure these accomplishments against Bill C-292, which has no tether to a real strategy and which could in the end cause mass confusion thus erasing the progress achieved by the current government in addressing difficult challenges faced by so many Aboriginal people in this country.

As honourable senators are well aware, the litany of difficult challenges experienced by Aboriginal people has been well documented. The Auditor General and the Royal Commission on Aboriginal Peoples, for example, have both published scathing

reviews of government policy. Although aspects of their criticism vary broadly, both reputable bodies concluded that Canada's Aboriginal policy was woefully inadequate and investments of public money had been wasted on poorly designed programs that consistently failed to deliver tangible results. In a word, they have demanded that the system reform that which is being sought and worked toward by the current government.

Upon taking office, this government implemented a fresh approach to address the challenges that continue to plague too many Aboriginal people and communities. By working closely with national Aboriginal organizations such as the Assembly of First Nations, this government has begun to make real progress on initiatives that will improve the quality of life and system reform.

Even the most cursory examination of the public record will reveal that solid progress has been made in the past 20 months. In March 2006, for example, our government introduced the Plan of Action for Drinking Water in First Nations Communities, investing in water treatment plant upgrades and construction to ensure there is a reliable supply of safe, clean drinking water in these communities. Since that time, the number of high risk water systems has been reduced by more than half. The operators of treatment plants serving First Nations communities now have access to a telephone hotline that provides technical support around the clock, 365 days a year.

The October 16, 2007 Speech from the Throne reaffirmed our commitment to a water strategy to improve access to safe drinking water for First Nations.

Another vastly important example is the Prime Minister's announcement on June 12, 2007 of a decisive new approach to the resolution of specific claims — an approach that will improve the way specific claims are handled and resolve the existing backlog of outstanding claims once and for all. This claims process has the power and authority to settle hundreds of land claims in a short period of time. All Aboriginal leaders have thanked the government for bringing forward this solution.

As outlined recently in the Speech from the Throne, this government plans to present legislation to create an independent tribunal to bring greater fairness and more timely resolution to the specific claims process.

Over the past year and a half this government has also signed land claims agreements across Canada, from a Treaty Land Entitlement Settlement Agreement with Sturgeon Lake First Nation in Saskatchewan to the Nunavik Inuit Lands Claims Agreement in northern Quebec. Just this month, we signed an agreement-in-principle for the Bigstone Cree nation in Alberta. Honourable senators, I could go on.

The First Nation Market Housing Fund was announced in April. This is a $300 million fund that will give First Nation members the opportunity to own their own homes on reserve by increasing access to financing, enabling more individuals to own or rent their home on reserve. It is anticipated that up to 25,000 new housing units over 10 years could be provided through this fund.

This government has entered into a new partnership with the Province of Alberta and Alberta First Nations that will see significant improvements for child and family services for First Nations in Alberta. An agreement was signed to work together with the Province of Nova Scotia and Mi'kmaq Family and Children's Services of Nova Scotia to introduce early intervention and prevention services for First Nations Child and Family Services on reserves in Nova Scotia.

I could mention the First Nations Infrastructure Fund which simplifies access to infrastructure funding for First Nations governments which will ultimately improve the quality of life in these communities.

Certainly, we must also recognize the principal efforts of the government to repeal section 67 of the Human Rights Act, thus granting access to human rights protection to status Indians. It is high time that this historical injustice be undone.

Finally, Canada's new government is also responsible for completing the Indian Residential Schools Settlement. This agreement finally brings some measure of compensation for the suffering of Indian residential schools survivors. Thanks to this government, Aboriginals — after a long wait — have begun to receive what has been withheld from them for so long.

The legislation before us today proposes that we set aside this government's strategy and pursue the directives of a non-existing document. The only sensible option is to reject the invitation.

Honourable senators, this government's approach is strong and productive while Bill C-292 is vague and references a non-existing document. I encourage honourable senators to join me in opposing Bill C-292.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tardiff, bill referred to the Standing Senate Committee on Aboriginal Peoples.

[*Translation*]

STATUTES REPEAL BILL

THIRD READING

Hon. Tommy Banks moved the third reading of Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.

Motion agreed to and bill read third time and passed.

• (1600)

[*English*]

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Murray, P.C., for the Honourable Senator Carney, P.C., seconded by the Honourable Senator Day, for the second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to invoke rule 37(3) to reserve the 45 minutes for the critic of the bill.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Pat Carney: Honourable senators, I want to speak at this point on second reading of my private members Bill S-217, which is an act to amend the International Boundary Waters Treaty Act. This bill was introduced in the first session of this Parliament, and it has been reintroduced in this session.

The purpose of the bill is to correct an apparent loophole in an amendment to the International Boundary Waters Treaty Act passed by the Liberal government in 2002. It is my view, and that of some expert witnesses, based on my experience as Minister of International Trade responsible for the Free Trade Agreement, that the amendment could enable the Minister of Foreign Affairs to licence bulk water exports without parliamentary debate or approval. Should this happen, it could inadvertently trigger provisions in the NAFTA which could allow access to Canadian fresh water in the Great Lakes basin by the U.S. and Mexico.

There are a number of problems with the bill as amended in 2002 but, principally, I am particularly concerned that the amended legislation does not include a definition of "bulk water removals," which are defined in the regulations and which could easily be changed without recourse to Parliament, and that the unfettered ministerial discretion permitted in the legislation is too broad. It is important to note that this view is supported not only by the expert witnesses at the Senate hearings in 2001 but also by the Privy Council Office at the time.

"Bulk water removals" is not defined in the legislation but only in the regulations. My proposed amendment would define "bulk water removals" in the legislation, not in the regulations, and would restrict ministerial discretion by requiring that any licences to remove bulk water must be approved by both the Houses of Parliament; both Houses would have to approve any such licences.

I understand the Deputy House Leader is the critic of this bill. I am interested in having this matter sent to committee because there is a complete conflict between the views of the DFAIT officials who drafted the bill and the expert witnesses who came to our hearing.

Minister Bernier wrote to me on November 30, and I will table this letter. In the letter he says that he appreciates the concerns about the need to ensure that a high level of protection is in place for Canadian waters. He goes on to say:

> The International Boundary Waters Treaty Act contains a statutory prohibition on bulk water removals from boundary basins. This measure is intended to protect ecosystems, and was driven by the concerns in the 1990s about possible bulk water exports. A limited number of limited exceptions are provided for in the regulations that are consistent with the intention of the prohibition.

He notes that exemptions include firefighting and emergency provisions, and we have no problem with those exemptions.

The minister goes on to state:

> . . . the ministerial licensing powers do not pertain to nor create any capacity for the Minister of Foreign Affairs to licence bulk water removals from water boundary basins—something that is expressly prohibited by the statute.

That is not the case if you read the bill. As Senator Murray has pointed out, the minister has unfettered rights to provide such licensing.

Not only did the expert witnesses at the time say that there was a possibility that this could open the door to the provisions of NAFTA, but we sent the minister's reply and that of the officials to our own Senate counsel. The advice that we as senators have from our counsel is that the minister's letter and the position of DFAIT do not address the weaknesses that Bill S-217 is designed to remedy, that is, the fact that bulk water is not defined but is left to regulation and that the act grants unfettered power to cabinet to make exceptions. Counsel goes on to say that the answer prepared by DFAIT reflects the same position they held in 2001 when the amendment originally passed through Parliament. This is the typical Senate counsel who gave a handy response. As to who is wrong, this matter is not clear-cut because everything hinges on how the language of the amendment is interpreted. There could be evidence to support my interpretation and the interpretation of DFAIT.

Honourable senators, in a case like this, the only real recourse is to send it to committee and have it clarified so it is on the record.

I asked earlier, in response to an earlier letter from the ministry, about what licences have been issued. According to the material supplied by DFAIT, every licence to remove bulk water must have an environmental assessment review. You will recall I raised those questions here in the Senate on October 30. I wanted to know if any licences have been issued and, if so, when were they and for how much? We received a long answer from the department saying specifically that licensing powers of the ministry neither pertain to nor create any capacity to licence bulk water removals from water boundary basins; that is expressly prohibited by the statute.

Accordingly, no ministerial licences under the IBWTA have been nor could be issued for bulk water removals.

The position of the department is somewhat weakened by its position that the proper remedy for regulation overview is to send it to the committee on statutory instruments and regulatory

matters. As I pointed out in my earlier speeches, however, that overview and scrutiny is after the regulations have been changed and not before, and it could take up to 17 years to make such a review happen.

DFAIT's position, that the existing remedies are sufficient, is not justified in my position, and it leads to the interesting question that if no licences have been issued and if no ministerial licences could be issued, why did they bring in the amendment that provided for an extensive licensing scheme? Some of you who are committee members would perhaps enjoy asking that kind of question.

• (1610)

My position is simply that this is a very important matter and that, if there is a dispute between what the department says in 2007, which is the same as it said in 2001, the matter should go to committee to have witnesses called and to have the department put their responses on the public record in defence of their existing legislation so that Canadians may be reassured that some future Parliament under pressure by the Americans or the Mexicans will not use this bill, the existing legislation without amendment, to allow bulk water exports through some sort of regulatory back door.

I leave this in your hands, honourable senators, and hope the matter will proceed to committee.

The Hon. the Speaker: Honourable senators, Senator Carney, in her address, had documents. With the permission of the house, the honourable senator would like to table those documents. Is permission granted?

Hon. Senators: Agreed.

The Hon. the Speaker: The documents will be so tabled.

On motion of Senator Tkachuk, debate adjourned.

THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58 (1)(a), I move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources, the Standing Senate Committee on Fisheries and Oceans and the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit today at their scheduled times; and,
>
> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:00 p.m. even though the Senate may then be sitting and that the application of rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on December 6, 2007.—(*Honourable Senator Furey*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on behalf of Senator Furey, I move the adoption of this report.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY OF FEDERAL GOVERNMENT RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples (budget—study on other matters generally relating to the Aboriginal Peoples of Canada—power to hire staff and to travel), presented in the Senate on December 6, 2007. —(*Honourable Senator St. Germain, P.C.*)

Hon. Nick G. Sibbeston: Honourable senators, I move the adoption of the report.

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RURAL POVERTY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Agriculture and Forestry (budget—study on rural poverty in Canada—power to hire staff and to travel), presented in the Senate on December 6, 2007.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I move the report standing in my name.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of

agriculture and forestry in Canada—power to hire staff), presented in the Senate on December 6, 2007.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I move the adoption of the report standing in my name.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on interprovincial barriers to trade—power to hire staff and to travel), presented in the Senate on December 6, 2007.—(*Honourable Senator Angus*)

Hon. W. David Angus: Honourable senators, I move the adoption of the report standing in my name.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on domestic and international financial system—power to hire staff and to travel), presented in the Senate on December 6, 2007.—(*Honourable Senator Angus*)

Hon. W. David Angus: Honourable senators, I move the adoption of the report.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO MANDATE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues related to its mandate—power to hire staff), presented in the Senate on December 6, 2007.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I move the adoption of this report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study to examine such issues that may arise from time to time relating to foreign relations generally—power to hire staff), presented in the Senate on December 6, 2007.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I move the report standing in my name.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Security and Defence (budget—study on the national security policy of Canada—power to hire staff and to travel), presented in the Senate on December 6, 2007.—(*Honourable Senator Kenny*)

Hon. Colin Kenny: Honourable senators, I move the adoption of the second report of the Standing Senate Committee on National Security and Defence.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence (budget—study on Veterans Affairs—power to hire staff and to travel), presented in the Senate on December 6, 2007. —(*Honourable Senator Day*)

Hon. Joseph Day: Honourable senators, I move the adoption of this report which consists of the budget of the Subcommittee on Veterans Affairs.

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (budget—study on Aboriginal languages—power to travel), presented in the Senate on December 6, 2007. —(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: Honourable senators, I move the adoption of the report standing in my name.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on cities—power to hire staff), presented in the Senate on December 6, 2007.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: Honourable senators, I move the adoption of the report standing in my name.

Motion agreed to and report adopted.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON CONTAINERIZED FREIGHT TRAFFIC—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications (*budget—study on the examination of containerized freight traffic handled by Canada's ports—power to hire staff and to travel*), presented in the Senate on December 6, 2007.—(*Honourable Senator Bacon*)

Hon. Lise Bacon moved adoption of the report.

Motion agreed to and report adopted.

• (1620)

[*English*]

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST GOVERNMENT RESPONSE—SPEAKER'S RULING—ORDER DISCHARGED

On the Order:

> Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Corbin:
>
> That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007 during the First Session of the Thirty-ninth Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.—(*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, on Thursday, November 29, when the Senate had reached the Notice Paper, Senator Carstairs raised a point of order to challenge the propriety of a motion moved by Senator Stollery. This motion sought to adopt the report of the Standing Senate Committee on Foreign Affairs and International Trade on Sub-Saharan Africa, tabled in the last session, and to request a response from the government in accordance with rule 131(2).

[*Translation*]

Senator Carstairs warned that the motion of Senator Stollery posed some serious problems. This was because the report proposed for adoption was not actually before the Senate, since it had died with the prorogation of the previous session. In any debate, she argued, it would not be possible to amend the contents of the report. If the report were to be considered revived through motions like this, Senator Carstairs asked whether it might be possible to do the same with reports from ten or fifteen years ago.

[*English*]

After this initial intervention, several other Senators spoke to the point of order. Senator Cools noted that the Senate did not have cognizance of the report in question as it was not a report of the current session produced by a committee in this session. Senator Corbin, on the other hand, recounted how the Standing Senate Committee on Foreign Affairs and International Trade had agreed at its first meeting to mandate Senator Stollery to propose this motion, an account subsequently corroborated by Senator Di Nino. When he spoke, Senator Stollery explained how, once he had the mandate from the committee, his motion was prepared in light of a previous case.

[*Translation*]

In her intervention, Senator Fraser proposed a possible solution to the specific problem raised in the point of order. The Senator suggested that a motion might be phrased to reference the report of the last session without seeking its adoption, and then solicit a statement from the government with respect to it.

[*English*]

In considering this issue, it is essential to underscore that a committee report that has not been adopted by the Senate is exactly that, a report of a committee to the Senate. A report only becomes a report of the Senate if and when it is adopted. Except in the case of a report on a bill without amendments, which is automatically adopted under rule 97(4), adoption gives the Senate the opportunity to debate and possibly amend a report. As Senators know, under rule 97(3) a tabled report does not have to be moved for adoption, but adoption is a necessary step for requesting a government response under rule 131(2).

[*Translation*]

The issues in this point of order are complex. Indeed in certain respects it recalls discussions that took place at the end of last session on the meaning and operation of rule 131(2). In

considering the current point of order, it is helpful to begin by addressing the fundamental question of whether business from a previous session can be reinstated or revived. Practices in the Senate, in the Commons, in the provinces, and in the Parliament at Westminster make it clear that business can indeed be revived or reinstated from a previous session, at least within the same Parliament. This is done by a clear and deliberate decision, either by adopting a motion or by establishing provisions in Rules or Standing Orders.

[*English*]

This in no way reduces the significance and impact of prorogation. All business then before a House of Parliament dies at prorogation. With reinstatement or revival, the House exercises its fundamental control over its own affairs and decides how it will conduct new business in the new session. In the Senate, we have had many motions relating to committee work that have had the effect of continuing studies and referring work and evidence from past sessions. We have also had motions to request government responses to reports adopted in a previous session or even a previous Parliament. In the Commons, all non-government public business — both bills and motions — is reinstated in the following session of the same Parliament. In addition, government business is frequently reinstated by House order. The Commons also provides for the automatic continuation of requests for papers, including requests for government responses to committee reports. Finally, in some provinces and at Westminster, various practices exist to allow the reinstatement of bills.

[*Translation*]

As Senators know, a proposal is currently before the House to allow for the reinstatement of bills. While this proposal has not been adopted, it is nonetheless competent for the Senate to revive or reinstate other types of business, such as committee business, if a clear decision to that effect is made. This respects the competing principles of the prerogative of the Crown to prorogue Parliament and the fundamental freedom of parliamentary Houses to structure their business as they see fit.

[*English*]

In reviewing the issues raised by Senator Carstairs and others, I noted a relevant ruling, given by my distinguished predecessor on February 19, 2004, which dealt with two similar points of order. The first concerned a motion, in a new session, to request a government response to a report adopted during the preceding session. That motion was held to be in order, and the motion was subsequently adopted. Since then, there have been five such motions adopted, including two earlier in this session. Given that such motions request responses to previously adopted reports, this practice is acceptable.

The second point of order raised in 2004 dealt with a motion both to adopt a report from a previous session and to request a government response. The ruling found the motion to be in order. Until now, this had been the only instance of this kind of motion. The motion moved by Senator Stollery paralleled the 2004 example, and, accordingly, it was properly drafted in light of that ruling.

This said, Senator Carstairs' point of order raises issues that were not fully addressed in the 2004 case. In particular, she asked how far into the past such motions can reach, and, equally important, whether the report proposed for adoption by the Senate can be amended.

[*Translation*]

Such uncertainty is not conducive to orderly proceedings in the Senate. My analysis of the situation suggests that the motion under consideration would not necessarily allow the Senate to amend the report. I find the indirect closing off of one important element of free and full debate unacceptable, in this case. The objection about how far back in time such motions can go is also real. In light of these problems, it would be more appropriate to find a different approach to reach the objective sought by Senator Stollery in his motion.

[*English*]

An additional difficulty with the motion is that rule 131(2) clearly requires that the report in question be from a committee. The question is, therefore, whether this report from a past session, cited in the current session, is, truly, a report of a committee of this session. There was no order of reference in the current session, and no report has been tabled or presented. As noted, prorogation does have real practical effects in Parliament, and the report should not be seen as a report of this session to which rule 131(2) could apply. Because the motion in question invokes rule 131(2), it must fulfill the conditions stipulated in that rule.

• (1630)

[*Translation*]

What is needed, therefore, is a clear and direct procedure that unambiguously places the report before the Senate in the current session and allows Senators ample opportunity for debate. Several such processes seem to be available. As already noted, committees often seek to revive studies from the previous session and to have the relevant papers and evidence referred back to them. A Senator could, therefore, move a motion, on notice, to authorize the Standing Senate Committee on Foreign Affairs and International Trade to study issues relating to Africa, and to refer the papers, evidence, and work from last session back to the committee. If this motion were adopted by the Senate, the committee would then be seized of all that information. It could adopt a new report, identical to the old one, or evaluate whether some of the previous work should be adjusted. The new report could then be tabled in the current session and treated like any other tabled report.

[*English*]

A second approach might be to follow the process outlined in citation 890 of the sixth edition of *Beauchesne's*. Although the 2004 ruling referred to the citation, it appears to me that its meaning was not fully followed. Taking into account the citation and Senate practice, a motion might be moved, on notice, to place a report from a previous session on the orders of the day for consideration at the next sitting. This type of preliminary motion would effectively, and clearly, reinstate or revive the report of the previous session. It might then be treated as a report in the current session, subject to possible amendment, and also allow for a motion to adopt and request a government response.

While these approaches may be more time-consuming, they have the great advantage of allowing the fullest possible opportunity for debate and discussion. They avoid the pitfall of forcing the Senate to accept or reject entirely a report from the previous session without the possibility of amendment.

[*Translation*]

There is yet another viable approach that might be available, along the lines suggested by Senator Fraser. As already stated, the report addressed by the motion in question does not fall under rule 131(2), being a report from a previous session that was neither adopted nor revived. Consequently, the Senate is not bound by the processes of the rule. It might be possible, therefore, for a Senator to move, on notice, a motion simply requesting a government response to the committee report of the previous session, without asking for its adoption by the Senate. Since the Senate would not actually adopt the report, it would remain simply a report of the committee, not of the Senate. This could be a third approach.

[*English*]

As a final point relating to government responses and prorogation, I would like to take this opportunity to clarify that, because the Senate does not have rules providing that requests for government responses are automatically revived in a new session, such requests do, in fact, die at prorogation. If a response is still desired in the new session, it must be renewed by motion, with a new period of 150 days, if the motion is adopted. This is different from the House of Commons, which does have a Standing Order allowing requests for government responses to committee reports to survive in a new session of the same Parliament. In the Senate, the government does, of course, have the option of tabling on its own initiative a response to a committee report from a previous session, under the authority of rule 28(3). This has occurred several times during the current session. Such responses are not, however, made under rule 131, and are not automatically referred to committee under rule 131(4).

[*Translation*]

This point of order, like the discussion late in the last session, shows that the process for requesting government responses has many unexpected complexities. The Standing Committee on Rules, Procedures, and the Rights of Parliament may, therefore, wish to consider revisiting the entire issue in detail to provide needed clarification. The committee could also examine how far back in time such requests can go. While recognizing the importance of this aspect of the issue, a decision by the Speaker at this time would be highly speculative, and a solution requires detailed consideration. Let me emphasize that any decision by the committee to undertake such work belongs not to me, as Speaker, but to the committee itself, under rule 86(1)(i), or to the Senate, if it gives the committee a specific order of reference.

[*English*]

As it stands, if a report was adopted in a past session or a past Parliament, a government response can be requested under rule 131(2), and must be renewed in each subsequent session, whether in the same Parliament or a new one. If, however, the report was not adopted, a motion such as this one is not adequate, given the factors raised in discussion of the point of order. However, other means are available to achieve the objective of Senator Stollery's motion.

Debate on the current motion cannot proceed, and it is to be discharged from the Order Paper.

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:
>
> WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)
>
> AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House since the constitutional agreement establishing its existence
>
> AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum
>
> THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and
>
> THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Tardif*)

Hon. Sharon Carstairs: Honourable senators, I would like to speak on this motion of Senator Segal's with respect to a referendum on the Senate.

Honourable senators, in my view, the most regressive thing a politician can do is to raise an expectation that is not deliverable. This is exactly what this motion proposes.

Canadians would be asked to vote on a referendum to abolish the Senate; but the expectation in the minds of most Canadians would be that if the majority of Canadians voted to abolish the Senate, then the Senate would indeed be abolished. However, this would not be the case.

The Senate could not be abolished without a constitutional amendment, and we all know how difficult such an amendment would be. Therefore, an expectation that has been set up in the minds of the citizens of this country is dashed, resulting in even greater disillusionment of the citizenry and further cynicism.

This motion by Senator Segal goes one step further in the development of cynicism because the person who proposes the motion does not even believe in his own motion. He has indicated that he would vote no. For me, this proposal is the ultimate in cynicism. Therefore, I believe we should vote a resounding no to this motion.

There is only one solution to Senate reform. That is for the Prime Minister of this country to show leadership. Leadership on behalf of the Prime Minister would manifest itself in calling a first ministers meeting of all the premiers of the provinces and territories to discuss Senate reform because without their support, a constitutional amendment is not possible.

It is when they have come to an agreement that a referendum should occur. The people of Canada should be given a proposal on Senate reform and then given the right to vote it up or down.

I know that the reaction of the honourable senator — because I watched him in response to earlier speeches — who has proposed this motion is that we have tried this approach but it did not work. For the sake of historical accuracy, that is not true.

• (1640)

Canadians have never been given the option to vote only on Senate reform. They have had a proposal that included many aspects of constitutional reform and voters voted against far more than one of the propositions. Yes, some voted against Senate reform but far more voted against changes to electoral reform, in particular in British Columbia; others voted for the further decentralization of the nation, which was certainly my vote; still others because it did not go far enough; and last but not least, many voted, no, because they did not like the government of the day, which proposed a massive change in the way Canada was to be governed.

Canadians did not reject Senate reform. They rejected a massive package of reforms on the way Canada was to be governed. We do not know how they would have voted had there been a choice only on Senate reform. They deserve the right to make a choice about this institution and this institution alone.

What are some of the questions that the premiers and the Prime Minister should discuss? The first should be the distribution of seats. Should we go to the American model and recognize all provinces as equal and, therefore, entitled to exactly the same number of seats? Should they re-examine our present regional representation and question whether the numbers need some adjustment? I favour the second option.

Clearly, the west suffers a significant disadvantage. I would recognize British Columbia as a new region and allow their number of seats to grow gradually to the full 24 seats for their region when the population of British Columbia equals the population of the region of Quebec. I would make a further adjustment that would allow the Prairie region to grow to 30 seats under a provision that would state, if a region represented more than one province, then that region would have 30 seats, thereby equalizing the seats of the Atlantic and the Prairie regions.

As to the elected nature of the Senate, a debate must begin with a discussion on how powerful they want the Senate of Canada to be. If senators in Canada are to be elected in a manner similar to members of the House of Commons, then the discussion of powers is critical. Do we want a chamber of sober second thought or do we want a chamber more powerful than the House of Commons? There are 110 seats in the Province of Ontario — the present proposal, and 24 senators. Which parliamentarians will be more powerful? I suggest, honourable senators, that the 24 senators, if elected, will be more powerful than 110 members of Parliament. I favour an indirect election process with names coming forward from the legislatures of the provinces and territories. The number of names must reflect the gender and ethnic diversity of the province and, therefore, the numbers proposed must exceed the number of vacancies. The names should be vetted through the legislatures and should require the support of all parties represented in the legislatures. The Prime Minister would then have the choice to select from these names to ensure broad representation in this place.

This chamber has been effective but there is always room for improvement. I would like the premiers and the Prime Minister to discuss the proposition of non-renewable terms, and 12 to 13 years is appropriate.

Other issues require debate. Should senators all sit as independent senators with no caucus loyalty? Should the Speaker of the Senate be elected? Should the Senate be totally gender balanced? Should the Senate have a special role to protect linguistic minorities? Should higher votes be required for legislation that limits minority rights? Should the Senate have quota numbers with respect to First Nations people? Many other questions probably should be debated and examined. I have given a few this afternoon and I welcome contributions to the debate from all other honourable senators in this chamber.

Hon. Hugh Segal: Would the honourable senator take a question?

Senator Carstairs: Yes.

Senator Segal: I want to ensure that I do not misunderstand the purport of the honourable senator's words, setting aside all consideration of cynicism. It is clear from what the honourable senator has said, and please correct me if I am in any way unfair, that it is far better for the first ministers to meet and discuss the future of the Senate that excludes the prior involvement of the people of Canada in a referendum where they could express their view about whether we need the Senate to begin with? It is not an unreasonable position because there are good people on both sides of this debate. I want to be clear that it is the proposition that the honourable senator shared with the rest of this place.

Senator Carstairs: That is an interesting proposition because it is not what the honourable senator asked. Rather, he asked whether the Senate should be abolished. That is the motion he has put before the house. Perhaps if the honourable senator had put the question that he now suggests — do we need a Senate at all — it would give rise to an entirely different debate. That is not the question. The question is: Should there be a proposition, yes or no, that the Senate be abolished? That is deeply regrettable. I know he has indicated that should it be a significant debate, money should be given to both sides. With the greatest respect to most Canadians, they know little about the Senate of Canada. They do not even know a great deal about the House of Commons. That does not mean that we should not engage them in a debate but not a debate that has such an open-ended question as the honourable senator has proposed: yes, no; abolish, do not abolish.

Senator Segal: Honourable senators, this will be my final question because I do not want to be unfair in the use of time. It was certainly my intent in the wording of the motion that sits before all honourable senators to have this house express the

desire for a referendum on the question of abolition. I indicated clearly when I moved the motion that I would be opposed to abolition and that the purpose of the proposal was to have a referendum on the matter. I want to be clear, and to ensure that the honourable senator from Manitoba understands, that my resolution means that if the Senate should be abolished, not that there should be a referendum on the matter first in which she would have her views and I would have mine. It is not a hollow sophistry inviting people to express their views prior to negotiation. It is a long-standing tradition in places like Switzerland and other democracies, and it struck me that Canadians are mature enough to reflect on that matter.

Senator Carstairs: Perhaps if the honourable senator had proposed a series of options then I might have looked at his proposal more favourably. However, he has given only one option, yes or no.

Senator Segal: I trust the honourable senator does not suggest that her perspective is closed to the notion of making amendments to the motion. I know of no one on this side who has indicated any resistance to creative amendments that might be offered by all sides to the motion before the house.

On motion of Senator Tardif, debate adjourned.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move:

> That the Senate do now adjourn during pleasure to reassemble at the call of the chair with a fifteen minute bell.
>
> That the Speaker not see the clock at 6 p.m. and that rule 13(1) be suspended for today.

The Hon. the Speaker: Honourable senators, is leave granted?

An Hon. Senator: We would like an explanation.

The Hon. the Speaker: Senator Comeau, can you provide an explanation?

• (1650)

Senator Comeau: Honourable senators, we are waiting for an important bill from the House of Commons, Bill C-28, the budget bill, which should arrive in the Senate sometime around 7 p.m., as soon as the vote has been taken in the other place.

If the House of Commons passes the bill, we will be able to introduce it this evening and possibly move forward on it.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

• (1740)

[*English*]

The sitting of the Senate was resumed.

Senator Comeau: Honourable senators, it was expected that Bill C-28 would be received from the other place for first reading in the Senate today. Unfortunately, the bill has been delayed because the members of the New Democratic Party have decided to prolong the process in the House of Commons. However, we appreciate the positive way in which the official opposition in the other place approached Bill C-28, constructively and with the usual vigour shown in their approach to other government bills.

I also wish to state how much I appreciate the positive manner with which we have been able to dialogue on the progress of this bill to date. I have had tremendous cooperation from the other side on the way in which we will approach the bill once it arrives. Unfortunately, that will not happen tonight, which means that the Deputy Leader of the Opposition in the Senate and I will likely have to re-sharpen our pencils.

The Senate adjourned until Wednesday, December 12, 2007, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, December 12, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, December 12, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE PAT CARNEY, P.C.

RESIGNATION FROM THE SENATE

Hon. Pat Carney: Honourable senators, I wish to advise the Senate that I will be notifying the Prime Minister that I will resign my seat effective January 31, 2008.

TRIBUTES

THE HONOURABLE PAT CARNEY, P.C.

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Government to request, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Pat Carney, P.C., who will retire from the Senate on January 31, 2008.

I remind honourable senators that pursuant to our rules, each senator will be allowed only three minutes and they may speak only once. The time for tributes shall not exceed 15 minutes, but it does not include the time allotted to the response of the senator to whom the tribute is paid.

Hon. Hugh Segal: Honourable senators, our colleague Patricia "Pat" Carney came to Ottawa in 1980 from the riding of Vancouver Centre, not to have a better job than the one she had as a journalist, economist, analyst, lecturer and community leader, but as a newly elected MP in the Clark Progressive Conservative team to build a better country. In the 27 years of service to Vancouver, British Columbia and Canada, that is precisely what Pat Carney did.

• (1335)

Never a go-with-the-flow pushover, Senator Carney stood her ground, in partisan and policy terms. She always fought for economically rational and socially progressive policies, even when the politics and the biases of the day favoured neither.

Her determination, focus, integrity and strength were often viewed by bureaucrats, the media and even some of her own colleagues in the same party as being aloof, stubborn and difficult. By the way, these terms were used by men to diminish women, especially in the 1970s and 1980s when a paternalistic, old-boys, golf club, male, Ottawa culture deeply resisted strong, competent and take-no-nonsense women. Thankfully, Pat Carney was not bothered.

She did her job and charged straight ahead, and helped change the culture as a result. *Beneath the Veneer*, the 1990 report of the Task Force on Barriers to Women in the Public Service, of which Senator Carney was chair, was a catalyst that would encourage women in the public service to move beyond the glass ceiling. Senator Carney's political partisanship never interfered with her advocacy for women. In 1991, when Bill C-43 came before the Senate, Senator Carney voted against her own government's bill. It was one that sadly would have criminalized abortion. Her vote produced the tie that defeated that bill.

Hon. Senators: Hear, hear!

Senator Segal: Senator Carney is a woman from a generation who understood and experienced the limitations that culture and society placed on women. She is also an example of how cultural and societal limitations on women were broken down, often through compelling competence, sheer acts of courage and personal will of the kind her career will always symbolize.

As Minister of International Trade, her role in the free trade negotiations was seminal, clear-cut and demanding. Her advice in public and private was clear-headed and insightful. She brought a Pacific-coast sensibility to discussions that would have been otherwise only about Central Canada, as is often the case in this city.

The value of Senator Carney's economic literacy, articulate analysis and determined advance of a better life for middle-income Canadians and the poor was inestimable. It brought a spring to the step of humane and compassionate Conservatives as we all went door-to-door fighting for a better way of governing and serving. She served under Prime Minister Clark, and as Minister of Energy, Mines and Resources in the early Mulroney years. She negotiated and delivered the Atlantic and Western accords. The accords brought fairness to the regions and undid the horrific damage of the confiscatory National Energy Program, a program that was designed in Ottawa, by Ottawa, for Ottawa. Her leadership, strength, intellectual rigour and competence in no way diminished her rich Irish sense of humour and depth of friendship; a friendship she extended often to new MPs, such as Barbara McDougall and Mary Collins, who greatly benefited from her advice, camaraderie and experience with others.

For that friendship, leadership and her work on free trade, we owe Pat Carney more than we can ever adequately repay. The championing of the case of both heritage lighthouses and Senate reform are legendary and reflective of her never-give-in demeanour.

Senator Carney's autobiography, *Trade Secrets: A Memoir*, while a compelling and entertaining journey of her life and careers, is definitely not the end of the story. We wish her a full, active and robust retirement. I doubt that her service to Canada and its people is over. I am sure it is simply entering a new phase.

• (1340)

Hon. Joyce Fairbairn: Honourable senators, it is with feelings of personal pride and regret that I say farewell to a long-time friend and colleague who is leaving the Senate to return to the Gulf Islands and her beloved province of British Columbia.

There is only one Pat Carney in this world and, during her working life, she has stirred up attention to and an understanding of our Canada as a journalist, a vigorous member of both Houses of Parliament, a cabinet minister and a voice for people who need attention and help to be able to join in the daily life of this incredible country.

Born in Shanghai, China, with a South African mother and an Irish Canadian father and a twin brother, Jim, she and her family moved to British Columbia where Pat was raised in the Kootenays, where, I can hardly believe, she once dreamed of becoming a rancher. Instead, her mother's background as a writer set her moving in the direction that eventually led her to this Hill back in the 1960s.

Pat and I pioneered many years as eager young women in a man's world — a time when we were referred to as "female newsmen." Educated at the University of British Columbia, she has worked all over the province and in the Yukon for newspapers, radio, television and magazines with some of the finest reporters, editors and commentators in Canadian journalistic history. Along the way, she was recognized as a first-rate financial writer.

While she was doing all that in the 1960s, I was in Ottawa, working away in the Parliamentary Press Gallery. My weakest effort was anything to do with high finance, and I stood in awe of Pat when she was dispatched from Vancouver on annual budget days. She would march into those scrums and take direct aim at the finance minister, whose knees would be shaking at the directness of her questions.

In 1968-69, she was assigned to the Ottawa team of *The Vancouver Sun* and FP Publications in the Press Gallery, where she joined up with me and another vigorous young journalist, the late Marjorie Nichols. The three of us were just, well, a threesome; we were great friends.

With all of this excitement in her system, she returned to Vancouver where she carried on writing as always and working as an economic consultant. However, having been here, politics was on her mind, and in 1979, she gave it a try, unsuccessfully, as a Progressive Conservative candidate. Then, putting up a vigorous effort, she was elected in Vancouver Centre the following year, which added vigour to a new Parliament.

In 1984, Pat joined the Mulroney cabinet as the first female Minister of Energy, Mines and Resources and, two years later, was named Minister of International Trade. She played a significant role in negotiating the Canada-U.S. Free Trade Agreement, for which she received a reward for outstanding achievement in the field of international law and affairs from the New York Bar Association, which was pretty hot stuff, I would say. She was a best-selling author of *Trade Secrets: A Memoire*. She went on to serve as President of the Treasury Board and the Minister Responsible for the Asia Pacific Initiative at the time.

In 1988, Pat decided not to run for re-election but her life in Parliament was far from over. Two years later, she was appointed to the Senate of Canada, and showed the strength of her personal convictions when she opposed the then Conservative government's proposed anti-abortion act, which was defeated on a tie in the Senate. Always an advocate for women's rights, she showed great courage and that was very much appreciated across this country. The effort will never be forgotten.

As a result of her background with those who live and work in the Gulf Islands, Senator Carney joined with the late Nova Scotia Senator Mike Forrestall to try to persuade the federal government to protect heritage lighthouses, but so far, to no avail. I have no doubt that she will vigorously promote this important issue in her remaining days in this chamber and I hope she will succeed, or pass the torch because she never lets things lie. They have to be done and Pat, one way or another, will get this one done.

• (1345)

As I look at Pat's history today, I emphasize that she has been a tremendous benefit to this country as a journalist, a parliamentarian, and a special character with deep convictions and I thank her for that. I know that journalism is still in her heart, as it is in mine, and I would not be at all surprised if we see her by-line again and perhaps another book.

Good wishes to you Pat, to Paul and the family. Be assured that I will remember you always as a tough colleague, a good friend and a devoted Canadian.

Hon. Lowell Murray: Honourable senators, it is almost 30 years since Bill Neville and I met Pat Carney and her young son over breakfast one morning in the Château Laurier to encourage her to yield to the Progressive Conservatives of Vancouver Centre, who were trying to recruit her as their candidate for the 1979 general election.

To politics, to government and to Parliament she brought her broad perspective and understanding of what was happening and how and why; her knowledge of mining and resource development in Northern Canada, which she knew from direct experience; her roots in the Far East as well as in her beloved British Columbia, where her antennae unfailingly registered every significant development, no matter how nuanced, usually before it happened.

Pat Carney was a famously quick study as a cabinet minister and as a parliamentarian. As lead minister, her name will forever be identified with some of the most important contributions of the Mulroney government to Canada's prosperity: dismantling and replacing the more perverse elements of the National Energy Policy; negotiation of the offshore energy accords with

Nova Scotia and Newfoundland; and the Canada-U.S. Free Trade Agreement. She was the point person, the fulcrum of all this and more, reporting to cabinet and caucus, answering to Parliament, explaining to the media and defending the policy to a host of public interlocutors.

I should say here that the policies I have just referred to, and, in addition, the Forrestall-Carney Heritage Lighthouse Protection Bill, were as popular on the East Coast as on the West Coast. This was a point made to me in conversation as recently as this morning by our former colleague and leader, Senator Al Graham.

I like to think of my seatmate as one of the last of the Progressive Conservatives. She believes that government does have a role in the economy. In the Mulroney government, she was the most ardent advocate of the child care legislation that we passed through the House of Commons but which later died on the Senate Order Paper when the clock ran out and the 1988 election campaign began. She had let us know, and Mr. Mulroney referred to this often, what it had been like for a single parent to have to drive halfway across Vancouver before and after work every day to place a child in secure daycare, a burden that still afflicts too many Canadian families.

In that connection, my mind goes back 30 years to the presence of her young son at that breakfast in the Château Laurier, and forward to today as she takes her leave of us. In 1979, coming into politics, she needed to know that that life could be reconciled with her obligations as a parent. Heading into 2008, she leaves us because other needs at home are more pressing. Those concerned about family values could well reflect on the personal, professional and public life of Pat Carney and on her priorities.

Much water has gone under the bridge since that breakfast in 1979, and speaking of water, I again commend to honourable senators Bill S-217, An Act to amend the International Boundary Waters Treaty Act on bulk water removal, another Carney legacy in the making.

Hon. Mobina S. B. Jaffer: Honourable senators, the province of British Columbia will lose a powerful and skilled advocate in the Senate when Pat Carney retires at the end of January.

• (1350)

Her departure marks the end of a storied 25 years in Parliament, during which time she blazed many trails for Canadian women. My first memories of her were in her role as a minister. She was an immense support and went out of her way to help the immigrant and visible minority organization through her friend Patsy George, while she was a Member of Parliament for Vancouver Centre. The stories amongst my friends are abundant of how she helped many immigrant women obtain their goals.

It is her work in the Senate that I wish to highlight today. Many would say her legacy is lighthouses. I beg to differ. There is no question she has given a great deal to the preservation of maritime heritage, but I choose today to honour her work in two important areas: coastal community sustainability and Aboriginal women.

Throughout much of her time in the Senate, Pat Carney worked hard in opposition lobbying for projects that made a difference. She fully utilized her background in journalism, municipal planning and economic consulting. There is no question one of Pat Carney's legacies in the Senate is the voice she gave to B.C. coastal communities in Ottawa.

The other legacy that should not be forgotten is her work to provide Aboriginal women access in Ottawa. She has tried, in vain at times, to get the Senate to do a report on the consequences and effects of Bill C-31, introduced in 1985, an act that intended to restore Indian status to Aboriginal women who had lost their status by marriage to non-Aboriginals. Repeatedly she has called attention to this issue, and the need for this type of study.

Honourable senators, I was deeply moved by the words of a B.C. native woman's activist, Wendy Lockhart Lundberg, who recently wrote in the *Vancouver Sun* about what Pat Carney's work meant in her life. She writes:

> We would like to thank Pat Carney for her solid and consistent support. She was one of the first and few parliamentarians to acknowledge the marginalization and under-representation of native women in Canada in the very core legal and legislative issues that affect their human rights and interests.

She goes on to say:

> Carney was instrumental in ensuring that both individuals and organizations participated in policy and legislative development. Among other things, she made sure that native women were provided with opportunities to speak in a variety of forums about the discriminatory provisions of the Indian Act that still affect them today.
>
> We thank the senator for her leadership and we wish her a long and happy retirement. Our hands go up to her in honour and respect.

Today, I, along with everyone else in the chamber, wish to also raise my hands in respect. Senator Carney has spent so many years in public life, and I want her to know that people from British Columbia have appreciated her service.

[*Translation*]

Hon. Pierre De Bané: Honourable senators, I would like to join my colleagues in paying tribute to a great woman who has excelled in both the House of Commons and the Senate.

Senator Carney made a truly remarkable contribution to both Houses of this Parliament. Throughout her successful career in the Senate, Pat Carney was a member and vice-chair of the Standing Senate Committee on Foreign Affairs and International Trade. She was also a member of the Standing Senate Committee on Aboriginal Peoples, chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, and vice-chair of the ad hoc parliamentary committee on light stations, which a number of my colleagues have mentioned.

[*English*]

When Senator Carney joined the Senate, she was the first Conservative senator to be appointed from British Columbia since 1931. She has always been a strong advocate for British Columbia and its unique interests, including issues surrounding marine safety on Canada's West Coast. Born in Shanghai, China, Senator Carney had a career in journalism and economic consulting before entering politics.

• (1355)

I listened to Senator Murray talk about his first encounter with her. When I went to British Columbia, I was told that Senator Carney hesitated, that she wanted to run as a Liberal. I said that would have been a great comfort for my party because I have known her in the House of Commons, where she was a powerful voice for the official opposition between 1980 and 1984.

Although Senator Carney was summoned to the Senate in 1990, her political career is over a quarter-century long. Not only in politics, but also in journalism, she was an important figure.

She held three cabinet posts, as honourable senators know: Minister of Energy, Mines and Resources; Minister of International Trade; and President of the Treasury Board. She was the first female to be appointed to these senior cabinet positions.

In 1988 she was presented with the prestigious award for outstanding achievement by the New York Bar Association, along with her American counterpart, Ambassador Clayton Yeutter.

Her academic achievements have indeed matched her illustrious political career. She holds a BA in Economics and Political Science, a master's degree in Community and Regional Planning and an Honorary Doctor of Laws degree from both UBC and the British Columbia Open University.

I would like to tell my dear colleague that I wish her many years of enjoyable retirement in the beautiful surroundings of Canada's Gulf Islands. Many people who do not know her see only a person who is a tower of strength and an eloquent spokesperson for the aspirations of the people of Western Canada.

I know how sensitive Senator Carney is to the most humble request of the people of this country, and I want to communicate to her my esteem and gratitude.

Hon. Ross Fitzpatrick: Honourable senators, I too rise today to pay tribute to a valued colleague on her early retirement from this chamber.

Although Senator Carney and I are on different sides of the political spectrum, I have always admired and respected her commitment and dedication to serve Canadians and, in particular, her rigorous pursuit of matters of special importance in our home province of British Columbia.

Although she was born in Shanghai, China, I am proud to say that Senator Carney and I share a British Columbia background. While I was born in Kelowna and received my early schooling in Oliver, she was growing up in the Kootenays and attended high school in Nelson. She also has strong ties to the Okanagan, as her family were early pioneers in Kelowna and the Vernon area.

The original Carney Ranch at Ellison is now part of the Kelowna International Airport. As we drive to the airport, we can still see the Tom Carney brand burned into the side of the old homestead barn.

I followed her career as an incisive and outstanding financial and business writer in the 1960s. In those days, I do not think that either one of us kids from the country thought that we would ever end up serving together in the Senate here in Ottawa.

Senator Carney has always taken a strong interest in the Okanagan, and she has been an unyielding champion for British Columbia's coastal communities and an important voice in the Coastal Community Network, which develops common ground on resource and marine policy and effectively articulates the needs of the coastal communities.

As honourable senators know, Senator Carney has also been a great champion of our seafarers, introducing a bill in Parliament to protect our heritage lighthouses for those at sea and also as an important part of our history and culture. The coastal communities will surely miss her strong and steadfast support.

• (1400)

Honourable senators, Senator Carney has earned the right to an early retirement. I know that you will join with me in wishing her well as she leaves us to return to beautiful British Columbia. I feel confident that she will find true happiness, as she has had the wisdom to become reunited with Paul, her long-time Grit love and mate. The best to you both.

Hon. Senators: Hear, hear!

Hon. Pat Carney: Thank you, colleagues. I thank those of you who took the opportunity to offer me good wishes and Godspeed for my retirement. It is much appreciated and reflects the friendships we have made over the 25 years I have been a parliamentarian.

In view of the comments made by Senator Fairbairn, who wore the shortest miniskirts in the press gallery in the cool 1960s — she had the best legs — I should note that I never intended to become a politician. As a journalist, I sat in the press gallery in the other place looking down literally and figuratively on the MPs while Dief the Chief jiggled his jowls, Walter Gordon and Mitchell Sharp engaged in partisan debates, and I wondered why anyone would choose to be in politics.

I was persuaded by Senator Murray and his colleagues to become a political Joan of Arc, fighting the armies of bureaucrats wielding red tape. Now, after nearly 30 years of political battles, I am reminded that Joan was burned at the stake, a fate I wish to avoid by taking early retirement, retreating from the battlefield relatively unscathed.

I have had the unique opportunity to sit on all sides of both Houses of Parliament as an opposition MP, as a government cabinet minister, and again as an opposition and government senator. It has given me a well-rounded view of the Canadian legislative process, which I think ranks with the best in the world, and I would like to leave you with some observations.

Canadian democracy is based not only on the rule of law but on the principle of accountability. As MPs, we are accountable to the people who elected us, as well as those who did not. As senators, we are accountable to our regions, and to the defence of the Canadian Constitution and the rights of minorities. Always we are accountable to our country, Canada. It is our primary duty as parliamentarians. I stress this because the issue of accountability is the subject of scandal and speculation in today's political environment, obscuring the fact that as Canadians we have one of the most open, accessible and transparent political systems in the world.

Unlike some countries, we do not need to be millionaires to run for office. When I ran in 1979, the requirements for nomination were $200 and 25 signatures. In 2007, it is $1,000 and 50 signatures for small constituencies and 100 signatures for larger ridings.

Normally, the successful candidate is the person who signs up the most members and delivers them to the nomination meeting in sufficient strength to win a majority of the votes cast. Party memberships are generally modest, $5 or $10. This simple strategy is often overlooked by would-be candidates.

Stringent rules apply under the Conservative government's Federal Accountability Act, and previously with Prime Minister Chrétien's changes. These new rules reinforce the fact that Canadian federal elections cannot be bought by special interests. They are won or lost by political foot soldiers, the volunteers. The role of volunteers is of crucial importance and they rarely receives the glory they deserve.

My favourite story involves my first campaign in 1979. I was a shy and ineffective campaigner, believe it or not, and Flora MacDonald was sent west to teach me campaign techniques. Campaigning cannot be that hard, I thought, as Flora charmed the voters and dragged me along in her wake.

That evening, my team positioned me at the corner of Robson and Thurlow, one of Canada's busiest intersections. I chose an elderly lady with curly grey hair who was crossing the street. When she reached the curb, I stuck out my hand and said bravely, "I am Pat Carney, your Conservative candidate, and I need your vote." The benign-looking senior snatched her hand away and snapped viciously: "I would rather my hand withered and dropped off before shaking hands with a Conservative." She then walked away.

• (1405)

Nearly 30 years later, I find campaigning — because I still do that — is tougher for volunteers. At least that is the case in urban ridings, where seniors peer through the keyholes to check out visitors, home dwellers fear they are opening their doors to home invaders and the candidate's outstretched hand may be mistaken for a homeless street person seeking a handout; but our Canadian system depends on our volunteers, and we should all salute them.

I have been honoured to serve in the Canadian Parliament, and particularly to represent my beloved province of British Columbia, both as an MP — the first Conservative woman ever elected in B.C., and that was only in 1980 — and as a senator, supporting the importance of B.C. in a strong and united Canada, a subject I dealt with in my maiden speech in the other place as a newly elected MP.

Since then, B.C. has made some progress as an equal partner in Confederation. The province has attained status as a region for the purpose of exercising regional votes. Under Bill C-22, an Act to Amend the Constitution Act, 1867 with regard to democratic representation, now before Parliament, Prime Minister Harper proposes to restore the principle of representation by population, which was the guiding principle in determining the initial allocation of seats in the other place among the provinces at the time of Confederation.

In 1867, of course, B.C. was not a member of the Canadian union; and it has been generally under-represented since it joined Canada in 1871, although I would argue that the quality of those elected to represent the Pacific province helped make up the difference.

The pattern was set by one of our first B.C. premiers, Amor de Cosmos or "lover of the universe," also known as Bill Smith. The former Nova Scotian strongly endorsed the union of Canada in the colonial debates over the Terms of Union. However, when he became one of B.C.'s first MPs in Ottawa and he viewed how Confederation worked, he promptly introduced a resolution calling for B.C. to secede from Canada — a sentiment shared, if not implemented, by many who were elected after him.

Under the Harper formula, the number of seats allocated to B.C. will increase from 36 in the current House of Commons to 43, but we will have to wait another 10 years, until 2017, for that to happen.

I trust the gains that have been made in securing B.C.'s equality in Confederation will not be jeopardized by the possible introduction in this chamber of the motion to amend the Constitution of Canada, proposed by my esteemed colleague, Senator Murray, which proposes to double B.C.'s representation in the Senate from 6 to 12 seats or votes; as a region, B.C. is entitled to 24 Senate seats, the same allocated to the two founding regions of Ontario and Quebec. As I have argued in this place, a region is a region is a region.

The role of senators is sometimes disparaged by the public, and even more by some senators; but our responsibility to ensure the quality of legislation before us is paramount. One example was the 1991 Bill C-43, which dealt with abortion and which was raised by other honourable senators today. This, again, raised the principle of accountability, in my mind. The issue was not simply a matter of a woman's choice to choose, which I supported. In this case, I viewed the proposed legislation as badly flawed and unlikely to be effectively implemented, since some abortions would be deemed legal and others would be deemed a criminal act. Pregnancies, as we know, are not that predictable.

Senators routinely deal with poorly drafted legislation in our role as arbiters of sober second thought, and abortion is a highly emotional issue in our society. Although Prime Minister Mulroney had declared a free vote on the bill, I was subject, along with others, to unrelenting pressure from government

ministers to support the legislation. I still recall that I was chilled to the bone when I became the first Conservative senator to stand in my seat to vote "no" to the bill, supported by colleagues such as Senator Fairbairn.

The abortion bill was the first government bill to be defeated in the Senate in 30 years. I often think what would have happened if we had wavered in our responsibilities and passed a bill that we knew was a bad bill. That is an example, I think, that history overlooks. It was not just the defeat of the abortion bill; it was a perfect example of senatorial accountability.

• (1410)

I experienced a similar crisis of accountability in my role as the Minister of International Trade with the responsibilities for the Canada-U.S. free trade negotiations, which we successfully concluded in October 1987. As was outlined earlier, I was the Minister of Energy, negotiating the Atlantic accord with Newfoundland and Labrador, and a similar one with Nova Scotia dealing with the offshore oil and gas resources. I negotiated the Western Energy accord, which dismantled the Liberal's controversial National Energy Program; and was appointed by the Prime Minister, in 1986, as Minister for International Trade.

However, seasoned Canadian negotiator Simon Reisman did not intend to play by the rules of cabinet accountability, as some honourable senators will remember. Simon and I went on to be good colleagues, but his attitude then was, "You may be the minister, but I am not your deputy; I do not report to you." He also refused to report to the "fancy pants" in the Department of Foreign Affairs and International Trade. He also refused to divulge the status of the negotiations to either myself or to the cabinet. We sometimes learned more from Reisman's unauthorized media interviews than from discussions at the cabinet table. My cabinet colleagues were understandably frustrated with me. How would their departments and responsibilities be affected? What powers would be traded away? How would Canadian sovereignty be compromised? What elements were on the negotiating table? I had few specifics to give them.

Prime Minister Mulroney, as he said at the time, was rolling the dice, but Canada was the prize, and I am not a gambler. On June 18, 1987, after a stormy meeting with the Prime Minister, when both our Irish tempers were at boil, I wrote the Prime Minister a letter questioning whether there was any point in my continuing to play a role in this government. Honourable senators, I am tabling a copy of that letter today because the original was returned to me by Derek Burney, the Prime Minister's chief of staff. It was never logged in the Prime Minister's correspondence. The Prime Minister may never have read it.

Since we cannot find the original, I suspect that it was among my ministerial papers, which were illegally destroyed after I left International Trade for Treasury Board in April 1988. A subsequent investigation by the Privy Council Office failed to identify why ministerial papers were shredded and who ordered their destruction. What is interesting about this story is we subsequently learned that one reason he told us so little was he had so very little to tell.

On September 23, after walking out on the trade talks in Washington, Reisman told the Prime Minister and key ministers — and my colleague Senator Murray was at the meeting — that he could not engage the Americans on the key issues, and, with the clock running out on the President's fast-track authority to sign the agreement, then Finance Minister Michael Wilson, myself, Derek Burney and our able officials were dispatched by the Prime Minister to Washington to meet with our U.S. counterparts and conclude the remaining elements of the free trade agreement. We signed the document on October 4, 1987 — 20 years ago — and tabled it in Parliament a few days later. At the end of the day, ministerial responsibility was protected.

The real heroes and heroines of the free trade agreement are those Canadian businessmen and women who took the opportunity to access the huge U.S. market, to the benefit of millions of Canadians. Governments can only provide the framework. Canadians themselves earned the benefits and paid the costs. Politicians, including senators, are accountable to them.

I pay tribute to all of those who have written or emailed me good wishes on my retirement, particularly those in B.C. coastal communities, whose issues such as marine safety I have often supported, both as a senator and as a resident of Saturna Island. They include the Orca scientists, the lightkeepers, and the mariners from places that are familiar names to those along the B.C. coast but not normally familiar to people in Ottawa.

As a long-time mentor of women in politics, I leave the future in good hands. I have here a letter written by an 11-year-old girl from Richmond and Saturna Island. She wrote:

> Dear Pat Carney:
>
> I am a 11 year old girl who lives in Richmond and part time on Saturna. . . . I am very interested in politics and have been since I was 5. At the age of 6 I could name all the political parties and their leaders. Some day I want to be party leader or maybe even Prime Minister although Premier would do. I swing more left than right. I think politics is like feet. I have a left foot and a right foot; by themselves you fall over but put them together and you are sturdy.
>
> That is why I think everyone's views should be heard, no matter what politics they believe in. I wish you a happy retirement, though I know you will be busy.
>
> Ania.

• (1415)

Finally, I am very appreciative of my family, who have been so supportive over the years: My husband Paul White, who told me 30 years ago I should not go into politics — it took me 30 years to realize he was probably right — and my son, who is a Cathay Pacific pilot and flew in last night for our dinner, but missed this speech because he had to fly back to Hong Kong at 6:00 this morning.

I am particularly appreciative of my past and present staff, some of whom are with us today; those patient and talented people who deal with West Coast issues, help those who have lost

their passports abroad, left their driver's licences back home in Scotland or are in trouble with the law, and deal with the myriad of problems that find their way to my office. With me today are Sarah Cuff, Patty Loveridge, Aneel Rangi, Cathy MacEachern and Janice Meller.

I would also like to recognize my Casey cousins from Ottawa and Grete Hale, of the Morrison sisters, who have contributed so much to my enjoyment of Ottawa.

To you, my Senate colleagues, I wish success in your senatorial endeavours.

In the words of St. Paul, ". . .the time of my departure is at hand. I have fought a good fight, I have finished my course, I have kept the faith" I have kept faith in Canada; faith in Parliament, where I have served for more than 25 years; and faith in whatever the future holds.

Now, Senator Day, we have to go to committee and discuss a bill to protect heritage lighthouses, for the seventh time.

God bless, and I seek permission to table the letter.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Is permission granted, Honourable senators?

Hon. Senators: Agreed.

Hon. Nick G. Sibbeston: Honourable senators, I would like to use this occasion to say a few words about Senator Carney. Mention was made of Senator Carney spending her life in B.C. and in Ottawa. She was in the Northwest Territories in the 1980s when the North was very active with the possibility of a 48-inch gas pipeline down the Mackenzie Valley. She was a consultant for one of the pipeline groups, which was a very challenging task. She travelled from community to community to convince people of the merits of the pipeline. Pat was operating in a man's world. It was in the early years of government in the North. The government was Commissioner Stuart Hodgson, who was really the king of the North.

To assist her in her task, Pat hired Aboriginal people to bridge the cultural differences between the big companies and the local community. It was a daunting task. In her boldness she was an inspiration to people like me who would never have thought to challenge the government and the status quo. Pat is certainly a personality and a character, and she has done very well for the people of the North.

In closing, I want to make a bit of a pitch. My office was on the same floor as Pat's, and I have always admired her corner office. If somehow you could will it to me, Pat, I would be most grateful. Best wishes for your retirement, and thank you.

ATLANTIC CANADIAN UNIVERSITIES AND COLLEGES

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to the importance of Atlantic Canadian universities and colleges.

Today, Canada's economy is knowledge-based. Without a post-secondary education, Canadian artisans, lawyers, software developers, scientists and engineers would not have the necessary knowledge to compete in an increasingly global marketplace.

In Atlantic Canada alone, there are 17 post-secondary institutions with 77,000 full-time students enrolled. These post-secondary institutions include more than $510 million in research and development investments, which fuels 16,000 faculty and staff positions and an additional 27,000 indirect jobs. As a result, post-secondary institutions contribute $4.4 billion to this region's economic output.

• (1420)

A strong education system allows skilled and knowledgeable citizens the opportunity to create jobs. Education encourages business promotion; for example, Canada's Research In Motion, RIM, created the BlackBerry. In 2005, RIM established a 1200-person technical support operation centre in Nova Scotia. As an example, consider that, in less than a generation, these types of technological innovations have spawned global offshore supply chains for manufacturing finished goods.

This innovation has lifted countries like India and China, once two of the poorest nations, to global economic powerhouses as a result. Long before other institutions of higher learning even considered the possibility of using mobile technologies and social networking, Acadia University in Wolfville, Nova Scotia, pioneered the use of mobile computing. The university did not simply provide each student with a laptop computer; it supplied the knowledge to leverage those tools through support and training. It practiced what it preached by extensively using technology in the classroom.

In 2001, Newfoundland's College of the North Atlantic was awarded the "biggest educational contract that's ever been done in Canada," according to Acting President Bruce Hollett. It entered into a partnership with Qatar in the Persian Gulf where it developed a campus for research and technology, specifically in oil and gas.

Now, Canadian ingenuity is training engineers and technicians to work in the natural gas and oil extraction industries. Additionally, Canadian technology is sought after around the world for offshore drilling.

The Peninsula, Qatar's leading English newspaper, reported in April 27, 2006, a state-of-the-art laboratory to research the latest third-generation mobile technology, will be established in the College of the North Atlantic-Qatar campus with sponsorship and expertise from Qatar Telecom.

As reported in the *Khaleej Times*, a leading English newspaper in the United Arab Emirates, the University of New Brunswick became the first North American university to establish a campus in Dubai. Dubai is the financial capital of the Middle East and the largest city in that region. The Dubai campus will focus on information technology and business-related studies. Full degrees are offered at the prestigious Dubai Knowledge Village. Students can also choose to study in Dubai for two years and then transfer to Canada to complete their degree.

Honourable senators, Atlantic universities and colleges are at the forefront of technology innovation and are renowned internationally. This helps bolster the potential attraction and retention of well-qualified immigrants to Atlantic Canada, and will contribute towards regional prosperity and competitiveness.

CHALLENGES FACING IMMIGRANTS

Hon. Mobina S. B. Jaffer: I rise today to speak about the challenges new immigrants face in obtaining jobs.

Canada is not free of its challenges to social cohesion. It was unsettling to learn this week of the results of a survey sponsored by the Canadian Race Relations Foundation and the Association for Canadian Studies that found one in four Canadians believe they have been the victim of discrimination based on their race or ethnicity.

Even more alarming is that one in five respondents said the source of discrimination was an employer or a potential employer. We rely on immigration in Canada to fuel our population growth and meet the needs of chronic shortages of skilled labour. However, despite these needs, the major barrier to economic integration and equality faced by immigrants to Canada is the non-recognition of academic credentials.

Recent Canadian researchers found that new immigrants fare less well in the labour market than their predecessors, despite having higher levels of education and training. This research suggests that visible minorities have an increased likelihood to experience low-income or poverty situations because they perform worse in terms of income, employment and labour market participation than other Canadians.

It is a sad state of affairs that obtaining recognition for foreign credentials and experience is still one of the contributing factors of poverty faced by immigrants in Canada. It has been said in Vancouver that the best place to have a heart attack is in a taxi-cab because the chances of receiving medical attention are high as the odds are good the cab driver is a doctor.

The federal government is responsible for establishing immigrant selection criteria. However, the responsibility for recognizing experience and credentials is complicated. Recently, the federal government established a Foreign Credentials Referral Office. Its intention is to better inform prospective immigrants and newcomers about the Canadian labour market and labour participation requirements. However, this office does not address or solve the complex process involved in getting credentials recognized. We need a central agency for this.

• (1425)

Honourable senators, not all the news is bad as progress is being made in the private sector. A growing number of employers have begun to accept qualifications from other countries while offering programs to help recent immigrants adapt. This all spells out the need for more programming to support foreign workers and the companies who hire them. By doing this, we might just start achieving the real sense of cohesion or belonging that has eluded so many new immigrants.

MANITOBA

WINNIPEG—DOWNTOWN REVITALIZATION—CONGRATULATIONS TO NYGÅRD INTERNATIONAL

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to congratulate Mr. Peter Nygård, an outstanding Canadian business leader, on the opening of the Nygård Fashion Park Store on Broadway in Manitoba.

This store is a testament not only to Mr. Nygård's business success, but also to his long-term vision for the city of Winnipeg. A major element to Mr. Nygård's vision is the revitalization of the downtown core. More than $1 million went into renovating this 12,000 square-foot store with the goal of bringing shoppers back to the downtown. With a large population base in this area, retail businesses are necessary to keep the downtown alive. In addition, Mr. Nygård has been able to offer reemployment to those affected from the closure of a factory on Church Street.

Honourable senators, at a time when Canadian municipalities are finding it difficult to secure adequate funding, Mr. Nygård's initiative is to be commended. It is not, however, a solution to the ongoing problems. A report released by the Federation of Canadian Municipalities outlines the $123 billion infrastructure deficit that is facing Canadian municipalities. Canada's cities are the engine of our economy and they must be at the table with the provincial and federal governments. The Liberal motion that was passed recently in the other place brings us a step closer to helping Canadian cities face these challenges.

Therefore, today, I applaud Nygård International for having the vision and the initiative to become an integral part of the Broadway West business community. Although Nygård's business success is impressive, his commitment to the Winnipeg community is outstanding. Honourable senators, I congratulate Nygård International for this new business venture, and I wish them every success for the future.

MILLENNIUM SCHOLARSHIP FOUNDATION

Hon. Catherine S. Callbeck: Honourable senators, we have to develop a strong, well-educated workforce in order to compete in the global economy. Without that workforce, Canadians will no longer enjoy the benefits of a rich and prosperous nation. That is why the federal government needs to do everything it can to help our youth pursue post-secondary education. The Canadian Millennium Scholarship Fund has been helping our youth to do just that since its inception in 1998. More than $2.5 billion has been distributed across the country to more than 800,000 students in the past nine years. In my home province of Prince Edward Island, nearly 4,000 young Islanders have benefited from more than $11 million in funding for their educations.

More than 95 per cent of all current awards are given through the Millennium Bursary Program, which assists students who demonstrate merit and greatest financial need. A look at the foundation's website and its feedback section demonstrates the importance of these bursaries. Erin from Stratford, P.E.I., who received a Millennium Bursary, writes:

> Receiving this financial aid relieves so much of the stress associated with my accumulating student loans. Knowing that I am not standing alone and that you believe enough in my goals to provide me with this kind of help is truly encouraging.

If time allowed, I could read many other such quotations, but suffice it to say that students across the country are appreciative of the foundation and its efforts.

Not only are the foundation's activities appreciated by students, but also it is receiving excellent reviews from others. The Auditor General recently reported that the programs were well managed. A recent Treasury Board review praised the foundation's low overheads of about 3 to 4 per cent, and its ability to work well with the provinces. However, the foundation has only a 10-year mandate that will expire soon.

Honourable senators, as a country, we need a highly qualified workforce, and the Millennium Scholarship Fund helps to do just that. The foundation creates opportunities for Canadian youth to pursue a post-secondary education while keeping their debt burdens low. I urge the Conservative government to renew this very worthwhile program and to give Canadian students the assistance they deserve.

• (1430)

THE LATE JACOB GAUDAR, O.C.

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to Jacob "Jake" Gaudar, who passed away on December 4 at the age of 87.

In his lifetime, Jake accomplished many great things: He was a pilot in World War II, an accomplished athlete, a Grey Cup winning football player and administrator, as well as the longest serving commissioner in the history of the CFL.

Jake followed his father's footsteps in rowing initially, earning both Canadian and North American championship titles. He was also involved in lacrosse and hockey before he began his career in Canadian pro football. During his 14 years as a pro football player, he was a member of a number of teams including the Hamilton Tiger-Cats, Toronto Argonauts, Toronto RCAF Hurricanes, Toronto Indians and the Montreal Alouettes. However, he may be best remembered for his role behind the bench. For 13 years he was the President and General Manager for the Hamilton Tiger-Cats and, in that time, the team won four Grey Cups and nine East Division titles.

In 1968, Jake became Commissioner of the CFL after four different people held the job in about one year's time — one of whom was former senator, the Honourable Keith Davey. The role of commissioner is one that Jake excelled at. During his time as commissioner, attendance for the regular season hit an all-time high; he negotiated several deals worth millions for the CFL; and he oversaw the complete unification of the East and West Divisions of the league.

As a man, Jake has been described as very classy and a true gentleman. Despite his tremendous achievements, however, he always remained humble and did not like to draw attention to himself. Regardless, Canada has honoured him in many ways: He was inducted into the Toronto Argonauts Hall of Fame, the Canadian Football Hall of Fame as well as Canada's Sports Hall of Fame in 1990 along with George Chuvalo, Victor Davies, Avelino Gomez, Justice Joe Kryczka, Brigadier-General Denis Whitaker. Frank Mahovlich was also in that group. Jake was also made an Officer of the Order of Canada.

This great athlete and Canadian will be fondly remembered by many fans from coast to coast.

[*Translation*]

ROUTINE PROCEEDINGS

INDIAN CLAIMS COMMISSION

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of the Indian Claims Commission.

ABORIGINAL HEALING FOUNDATION

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2007 annual report of the Aboriginal Healing Foundation.

[*English*]

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE TABLED

Hon. J. Trevor Eyton: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Joint Committee on Scrutiny of Regulations, which deals with incorporation by reference.

[*Translation*]

BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION BILL, 2007

MOTION TO REFER SUBJECT MATTER TO NATIONAL FINANCE COMMITTEE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rules 58(1)(e) and 74(3), I move:

> That, in accordance with Rule 74(1), the Standing Senate Committee on National Finance be authorized to examine the subject-matter of Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007, and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007, in advance of the said Bill coming before the Senate.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

NOTICE OF MOTION
TO SUSPEND RULE 13(1) ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move:

> That the Speaker not see the clock at 6 p.m. and that rule 13(1) be suspended for today.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1435)

[*English*]

BILL TO PERMIT THE RESUMPTION AND CONTINUATION OF THE OPERATION OF THE NATIONAL RESEARCH UNIVERSAL REACTOR AT CHALK RIVER

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading later this day.

[*Translation*]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF EDUCATION, COMMUNICATION AND CULTURAL AFFAIRS COMMITTEE, MARCH 5-6, 2007—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian parliamentary delegation of the Canadian Branch of the Assemblée parlementaire de la Francophonie on its participation in the meeting of the Education, Communication and Cultural Affairs Committee held in Fort-de-France, Martinique, on March 5 and 6, 2007.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

GENERAL ASSEMBLY OF INTER-PARLIAMENTARIANS FOR SOCIAL SERVICE, AUGUST 22-25, 2007—REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Japan Inter-Parliamentary Group on its participation in the third general assembly of Inter-Parliamentarians for Social Service held in Seoul, Korea, from August 22 to 25, 2007.

• (1440)

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would first like to welcome the Honourable Senator Fortier, who joins us here today. I would like to thank him for agreeing to speak to us today regarding a matter that is of great concern to him, that is, the famous Paillé report.

Can the Minister of Government Works and Public Services tell us if he has finished reading the Paillé report? If so, can he tell us whether, during his moratorium, he plans to allow anyone else to study the report when he tables it? If he tables it after this session of Parliament ends, which is quite likely, we could study it and contribute to developing a new standard.

Can the minister tell us, first of all, if he has finished reading the report? Can he also tell us if he intends to maintain the moratorium until new standards are established?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable Leader of the Opposition for her question. I am delighted to hear that she is taking attendance here in the Senate. Next time, I will be sure to bring a note from my mother to justify my absence.

Mr. Paillé delivered his report at the beginning of October and I have reviewed it.

As for the committee that I hear was discussed yesterday, that document will be available to everyone. If anyone would like to study it, of course, they are more than welcome to do so and I would be happy to hear any comments. Naturally, the Paillé report can be read and consulted by anyone interested.

As for its disclosure, as I said last week and I repeat here today, it will follow shortly.

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to get back to the moratorium that was supposed to be in effect, that might have been in effect and that was not in effect for more than three hours on the day when the minister told us there was a moratorium.

I would simply ask the minister, if he does not intend to impose a moratorium, how is he going to develop his parameters? Will he contact the polling industry and ask for its opinions before seeking the opinions of members of Parliament and the general public?

Hon. Michael Fortier (Minister of Public Works and Government Services): I am a bit disappointed that the Leader of the Opposition is coming back to the issue of the moratorium. I apologized last week about that issue. I am well acquainted with the Leader of the Opposition in this chamber, and I know that she is not as partisan as she appears to be today. That is why I am going to forgive her that lapse.

I will be pleased to hear any comments from the general public and the honourable senators. This report was paid for with public money. It will therefore be available to all Canadians and to the honourable senators and members of this committee, which appears to be very busy and eager to be of service.

CONSULTATIONS ON NEW STANDARDS FOR GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): We hope that the Minister of Public Works and Government Services will come back to the Senate and to the committee that studies this report. We have not often seen the minister at the committee meetings. I am not engaging in petty partisanship in pointing that out. Moreover, I do not believe we will call his mother next week, when we will likely be on our Christmas break.

I would just like the minister to assure us that he will come and consult us on the issue of standards for these surveys, because the minister commissioned this study in light of the Liberal government's polling practices. Obviously, the Conservatives' goal was to do better than the Liberals, yet they achieved quite a different goal by spending more than the Liberals.

My question is therefore: will the minister consult us before finalizing these standards?

Hon. Michael Fortier (Minister of Public Works and Government Services): I have appeared several times before committees of the House of Commons. I did so as recently as this week, with regard to the sale of buildings. The Senate committees have never invited me to appear.

When a committee wants a minister to appear to discuss an issue, it sends the minister an invitation. I will be pleased to appear before your committee if you would like me to.

Once Mr. Paillé's report has been tabled, the government will have responses to Mr. Paillé's recommendations. Honourable senators will have the opportunity to examine the government's response, and I will be pleased to answer any questions or comments.

Senator Hervieux-Payette: I would like to point out to the Honourable Senator Fortier that he may be a minister but he is also a member of the Senate. Therefore, he may attend all Senate sessions and the committees of his choice.

• (1445)

Senator Fortier: Honourable senators, the leader of the opposition started going on about committees last week. She asked why her committee had not been asked to look at polling. I told her then, and I am telling her again today, that if her committee or that of Senator Fraser were truly interested in the polling issue, why have they waited for the Paillé report? Why did she not look into it in 2003 when Ms. Fraser first mentioned it or in 2005 when she referred to it again? Was she not interested? She became interested when Mr. Paillé was appointed. That is what is bothering the honourable senator, if truth be told.

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Jean Lapointe: Honourable senators, I have had a keen interest in this matter. Mr. Minister, on several occasions you have said: soon, soon, soon. I am beginning to think that it is quite late in coming. Can you tell us when you will table the report? Do you have a specific date in mind or is it still up in the air?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, it will be soon and you will be able to read it soon. I am pleased to note that you have an interest in something other than culture. I find that reassuring.

Senator Lapointe: I am flattered that you find me reassuring. Once again, I will compare you to the Leader of the Government: you are a very fine skater. The leader also tap dances, thus she has a slight cultural side that you seem to be lacking.

Thank you for having answered the question "soon", even though it has been late in coming.

[*English*]

MULTICULTURALISM AND CANADIAN IDENTITY

ESTABLISHMENT OF CENTRAL AGENCY FOR ASSESSMENT AND RECOGNITION OF FOREIGN CREDENTIALS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. The Canadian Race Relations Foundation and the Association for Canadian Studies released a survey earlier this week that found one in five of its survey respondents experienced discrimination from an

employer or potential employer. Why has the government not followed up on its election promise to create a central agency for assessment and recognition with regard to foreign credentials?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the findings in the report were very alarming and disturbing. The Secretary of State, the Honourable Jason Kenney, has been working very closely with various multicultural communities across the country. With regard to foreign credentials, the government is working on this particular issue. It is a situation that should not be tolerated in this country, when people who have credentials are having such difficulty finding work in their own field.

The government is working on a solution. This was a campaign commitment of the government, but I remind the honourable senator that when we make commitments as a government we make them realizing there is much work to be done in some of these areas, and we have only been in office for less than two years.

IMMIGRATION AND CITIZENSHIP

FOREIGN CREDENTIALS REFERRAL SERVICE

Hon. Mobina S. B. Jaffer: Honourable senators, I thank the leader and her government for continuing to look at ways to empower new Canadians or new immigrants to get jobs. I bring to her notice, so that she can bring it to the attention of her colleagues, that the Foreign Credentials Referral Office that has been established by her government basically refers new immigrants to the provincial bodies and is not effective. I ask the government to set up an effective body as soon as possible so that the new immigrants can get jobs quickly.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. Through the Department of Foreign Affairs, we have been working with our various postings abroad to deal with potential immigrants to Canada in their country of origin. We are hopeful that much of the work and advice now being given through our foreign postings will paint a more accurate picture of some of the difficulties immigrants may encounter. At the same time, it will try to deal with the expectations and still encourage potential immigrants to come to Canada. We are working very hard to put in place programs whereby new immigrants can quickly enter a system where their credentials can be brought into line with Canadian requirements.

• (1450)

Honourable senators, this is something that Minister Kenney has been working hard on. This is a matter of interest for him. Since he has been made Secretary of State for Multiculturalism and Canadian Identity, he has traveled far and wide in this country and he has attended large and small functions. The other day, he commented on the numerous days he has spent around the country attending events as the minister. He is doing a great job. The people in the various communities with which he is working are very happy.

I attended an event in Vancouver in September where members from the Chinese, Korean and Iranian communities were present. When I met with them, I heard about what a great minister and what a great help Jason Kenney has been as they try to navigate their way through the system.

INDUSTRY

COPYRIGHT LEGISLATION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Canada recently submitted documents to the Ministers of Industry and Canadian Heritage concerning the government's impending copyright legislation. The concern is that the legislation will not address the needs, requirements and realities facing post-secondary institutions when it comes to copyright.

As honourable senators know, post-secondary institutions are both creators and users of copyright material. What measures will the government take to ensure, as it noted in its 2005 policy declaration, that the rights of creators are balanced with the opportunity for the public to use copyrighted works for teaching, researching and lifelong learning?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the Honourable Senator Tardif for that question. As she knows, the Minister of Industry, Minister Prentice, is seized with this issue at the moment. I will take the question as notice.

[*Translation*]

Senator Tardif: Honourable senators, it appears that the Minister of Industry decided not to introduce the copyright legislation yesterday, Tuesday, December 11, 2007, although a notice had been filed.

Could the Leader of the Government in the Senate explain why the legislation was withdrawn, and could she tell the Senate whether the Minister of Industry will allow hearings to be held and conduct public consultations to ask Canadians what they think?

[*English*]

Senator LeBreton: Honourable senators, the minister is very thoughtful and thorough. He will obviously table his legislation when he feels it is in good form. I simply need to refer the question to him. Knowing Minister Prentice, the thoroughness of his work and the way he conducts himself as a cabinet minister, I am sure that there are good and valid reasons why he did not proceed. I am quite sure that when he does, the honourable senator will be well pleased with the product.

FINANCE

BANK OF CANADA—SUPPORT TO CHARTERED BANKS BASED ON DEBT INSTRUMENT COLLATERAL

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise on a question of great concern about the recent action of the Bank of Canada to allay the current credit crunch. Based on a C.D. Howe e-brief of December 4, it appears that the Bank of Canada

exceeded its statutory or legislative authority by providing liquidity to chartered banks based on the collateral of debt instruments such as asset-backed and unsecured commercial paper and the risks that those financial instruments carry. What is the position of the government in this regard?

• (1455)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I always fear questions from Senator Grafstein. They are always highly technical, financial questions. As I have said many times, I am not an expert on the financial market and its many nuances, which is probably a good thing in many ways.

I am well aware, honourable senators, of the testimony of the outgoing Governor of the Bank of Canada. I will not comment beyond that; however, I will refer the honourable senator's question to the Minister of Finance and ask that department to provide a written response.

Senator Grafstein: I raise this issue with the leader because in her role as a minister responsible to cabinet, this should be a major consideration for any cabinet.

AMENDMENTS OF BANK OF CANADA ACT

Hon. Jerahmiel S. Grafstein: I would like to ask the leader a question concerning the Minister of Finance. Why did the minister not introduce to Parliament amendments to the Bank of Canada Act at the start of this session to ensure that the bank had appropriate flexibility, short of declaring a perceived financial emergency, which in these circumstances might have made the situation worse?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator can understand that I will not divulge cabinet discussions. I am certain that the Minister of Finance is on top of this situation and I will refer the question to him.

Senator Grafstein: Honourable senators, time is of the essence. In light of the recent statements reported today in the *National Post* by the Governor of the Bank of Canada, why does not the governor introduce salutary amendments to correct this situation before we adjourn?

Senator LeBreton: I cannot speak for the Minister of Finance. I saw the article in the *National Post* today. I cannot predetermine or presuppose what the minister may or may not do. Again, I will take that question as notice.

Senator Grafstein: It appears, to astute observers, that the government's failure to make timely amendments to the Bank of Canada Act leaves Canadians and foreign investors with a lack of clarity on the Bank of Canada's powers during a state of uncertainty — especially concerning our financial credit markets today.

Senator LeBreton: On all matters of public policy, there are many varying opinions. Naturally, I will not comment on opinions of some and not others. I will refer the honourable senator's concerns to the Minister of Finance for a delayed response.

[*Translation*]

TREASURY BOARD

ACCESS TO INFORMATION ACT—
LA SOCIÉTÉ DU 400^{E} ANNIVERSAIRE DE QUÉBEC

Hon. Francis Fox: Honourable senators, my question has to do with the Access to Information Act. In the newspaper *Le Soleil* today — I understand if the minister wants to take this under consideration since the information was published today — Minister Verner stated that La Société du 400^{e} anniversaire de Québec would not be subject to the Access to Information Act. Maybe she was talking just to hear herself talk. If this is a non-profit corporation, perhaps it is not subject to the act. I do not know. But if she said that the corporation would not be subject to the Access to Information Act in its dealings with the Government of Canada, what gives a minister the power to disregard the Access to Information Act?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am totally unaware of what the honourable senator is speaking about, but I will take the question as notice.

THE ENVIRONMENT

CLIMATE CHANGE

Hon. Grant Mitchell: My question is for the Leader of the Government in the Senate. The government, on the one hand, says that it believes in the science of climate change, while on the other hand, it does nothing that even remotely approaches what that science's dictates tells us we must do.

Could the Leader of the Government in the Senate tell us what she really thinks the climate of this country and the planet will be like in 25 or 50 years if we fail to do what is necessary, if we fail to do enough — if we actually, as the government is doing, do nothing?

• (1500)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Mitchell for his question. I am happy to answer it.

Today, I was interested to read in *The Toronto Star*:

> Former prime minister Jean Chrétien is blaming his own Liberals in part for Canada's failure to meet the Kyoto targets for cutting greenhouse gases. . . yesterday, at a Liberal conference on foreign policy in Toronto, Chrétien pointedly said, 'We lost four years' in living up to Kyoto — two of those years including the time Paul Martin succeeded him as prime minister and when Stéphane Dion, now Liberal leader, was environment minister.

The article continues:

> I signed Kyoto. I knew it was to be tough to meet the goals of 2012. . . When I left, we were very close to have a deal with the oil industry, if you follow the file. After that, it was not implemented.

It is debatable that he was close to a deal with the oil industry. Mr. Chrétien told reporters this, and he insisted he was not blaming Mr. Dion. However, Mr. Dion was the minister. He appeared to blame former Prime Minister Martin, however.

Some Hon. Senators: Resign.

Senator LeBreton: Today at the United Nations Climate Change Conference, it has become obvious that Canada is taking a strong leadership role. Countries are supporting Canada's position.

An Hon. Senator: Two of them.

Senator LeBreton: We made announcements on climate change at the conference. The Minister of the Environment announced today that our government has formally advised industry of new requirements to submit air emissions data to the Government of Canada within the next six months.

The government has introduced a plan to obtain results with tough mandatory regulations for industry to reduce emissions by 20 per cent by 2020, and 60 per cent to 70 per cent by 2050. Under our plan, air pollution also will be cut in half by 2015.

We are taking strong measures in this country, but this issue is a global one. At the summit in Indonesia, I think Minister Baird would be correct to ask the question about global targets. Even though Canada and other nations are making progress, we cannot deal with this problem in the global context if the major polluters in the world — India, China and the United States — do not participate.

Senator Mitchell: The only thing that is consistent in this government's position on climate change is the spinning, the "can't" answers and the fundamental lack of understanding.

I do not think that Senator LeBreton and her government understand what I am saying. They are the government. They must take the responsibility and they cannot shirk it or set it aside. Why are they not doing what the science dictates must be done? What do they think this planet will look like in 25 years or 50 years when it turns out they have not done it?

Senator LeBreton: Progress could be made if the global community follows the strong leadership of the Canadian government, as outlined at meetings of the G8, the Asia-Pacific Economic Cooperation, the Commonwealth, and at the United Nations. This is the beginning of the next process.

I put on the record what Mr. Chrétien said to underline that we must work from what is available. There is no point in going back to try to address this issue. Even Mr. de Boer, Executive Secretary of the United Nations Framework Convention on Climate Change, was critical of Canada. The government agrees with his opinion regarding Canada's poor record in the last decade.

We need to start now. We have brought in strong regulations. We are doing our part. Minister Baird is trying to discuss global targets in Indonesia.

Senator Mitchell, if the world works together and follows global targets in addition to the strong leadership of the Prime Minister and the Minister of the Environment, the planet will be better.

• (1505)

Senator Mitchell: Honourable senators, the fact is, 24 months is more than long enough for this government to have done something concrete to address climate change, and it has not done so. Rather, we get spin and see a fundamental inability on the part of the government to understand that it has a responsibility to future generations. The government can neither shirk nor shake this issue; the government has to do something. Why does the leader not admit that the government is using every last possible excuse? The government has undermined efforts in Bali, has failed to address Kyoto and has used every possible excuse. One minute it is the U.S., the next minute China and pretty soon it will be Luxembourg or some other country that will inhibit the government from doing what it has to do for the future generations of this country and of the planet.

Senator LeBreton: Senator Mitchell, the government has a plan. The previous government did not have a plan. It is not my problem that the honourable senator does not like the government's plan; that is his problem.

On the subject of climate change, the government has demonstrated leadership at home with its plan to achieve an absolute reduction in greenhouse gases of 20 per cent by 2020 and 60 to 70 per cent by 2050. The government has demonstrated leadership at the G8, APEC and the United Nations. The government has invested $375 million in conservation programs to protect our heritage places, such as Nahanni National Park and the Great Bear Rain Forest. The government is getting tough on those who poach, plunder and pollute by putting 100 additional enforcement officers and more boots on the ground.

On the subject of clean water, $93 million is included in Budget 2007 and action will be taken to clean up Canada's lakes, rivers and streams. As well, there will be tough new regulations for sewage. Altogether, Budget 2007 invested $4.5 billion in the environment. The Conservatives have been the government for only two years and that is what they have accomplished. The Liberals did nothing but talk, talk, talk for 13 years. The Conservatives are taking action.

POINTS OF ORDER

Hon. Joan Fraser: Honourable senators, I have a point of order for clarification regarding one of Senator Fortier's spirited responses to the Leader of the Government in the Senate. The honourable senator used the words, "Madam Fraser" several times. I would like to clarify that there are two Madam Frasers involved in his answer. Otherwise, a casual reader of *Debates of the Senate* might think he was wondering why Madam Fraser was

not paying attention when Madam Fraser made a report. There are, of course, two of us. There is my humble self and there is the very distinguished Auditor General of Canada, Madam Sheila Fraser.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, will the Speaker hear the point of order now or after delayed answers?

The Hon. the Speaker: Honourable senators, I am satisfied with Senator Fraser's statement.

Senator Nolin: Honourable senators, I appreciate the Speaker's sensitivity, but I would like a clarification. During question period the leader of the opposition gave an opinion that compelled the Minister of Public Works and Government Services to give his own opinion. Is it appropriate during question period to give opinions rather than ask questions or provide answers?

The Hon. the Speaker: Honourable senators, in the spirit of Christmas, during question period, both the questions and the answers are well founded and delivered with enthusiasm. Honourable senators know the rule on question period and how we must proceed during that period. In that vein, and considering where we are, we will continue our work.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to three oral questions: a question raised by Senator Ringuette on December 4, 2007, on Bernard Lord's remuneration for his work as special adviser for the consultations on official languages; a question raised by Senator Jaffer on December 6, 2007, on funding for Status of Women Canada; and a question raised by Senator Callbeck on December 6, 2007, on agriculture and agri-food and the problems facing livestock producers.

OFFICIAL LANGUAGES

SPECIAL ADVISER FOR THE CONSULTATIONS ON LINGUISTIC DUALITY AND OFFICIAL LANGUAGES—APPOINTMENT OF BERNARD LORD

(Response to question raised by Hon. Pierrette Ringuette on December 4, 2007)

The Prime Minister announced the appointment of Mr. Bernard Lord as Special Advisor to head the Consultations on Linguistic Duality and Official Languages. For this work, Mr. Lord will receive an amount of $24,950, expenses included, for the months of December 2007 and January 2008.

This amount includes $18,450 for professional fees and $6,500 for travel expenses.

STATUS OF WOMEN

RESTORATION OF PROGRAMS INVOLVING WOMEN'S ADVOCACY AND RESEARCH FOR EQUAL ACCESS TO JUSTICE—FUNDING OF HOMES FOR BATTERED WOMEN

(Response to question raised by Hon. Mobina S. B. Jaffer on December 6, 2007)

Status of Women Canada works to promote the full participation of women in the economic, social and cultural life of Canada. Through the Women's Program, financial assistance is provided to organizations to carry out projects at a local, regional and national level in key areas.

On October 11, 2007, as a result of the first Call for Proposals for the Women's Community Fund, the Honourable Josée Verner announced funding totalling over $8 million to 60 projects across Canada. These projects will benefit over 260,000 women in their communities, making meaningful contributions in areas such as improving women's economic security and addressing violence against women.

For example:

In New Brunswick, funding will support a project amount aimed at addressing the unique barriers faced by rural women experiencing abuse in a non-urban setting.

In Ontario, funding will support a project which will pair isolated immigrant and refugee women with mentors to support them in making the transition to full time employment/business ownership.

In Québec, funding will support a project aimed at raising awareness of the dangers of violence against women among young women aged nine to 17.

In Alberta, funding will support a project which will help urban Aboriginal women improve their lives through support and mentoring activities, in an effort to improve their economic situation.

In British Columbia, funding will support a project addressing the social marginalization and exclusion faced by visible minority and Indigenous women and girls.

At the National level, funding will support a project to increase Aboriginal women's financial literacy in order to prepare for their return to their communities, after accessing shelter services.

The second Call for Proposals was launched on November 1, 2007, with a closing date of December 21, 2007.

AGRICULTURE AND AGRI-FOOD

PROBLEMS FACING LIVESTOCK PRODUCERS

(Response to question raised by Hon. Catherine S. Callbeck on December 6, 2007)

At the request of the Minister of Agriculture and Agri-Food, officials at Agriculture and Agri-Food Canada (AAFC) and the Canadian Food Inspection Agency (CFIA) set up a task force with the industry in early November to see what we could do to address their issues. Industry members include representatives from the Canadian Cattlemen's Association (CCA), the Canadian Pork Council (CPC) and the Canadian Meat Council (CMC).

Industry has been working directly with AAFC and CFIA officials since then to determine how current programs can assist industry members, and to identify other measures that may help in both the short term and to reposition the industry in the long term.

The Minister met with his provincial counterparts on November 16th and 17th and they developed an action plan to:

- accelerate and improve access to existing programs, such as:
  1. Targeted advances and interim payments under AgriStability
  2. AgriInvest, in particular the federal Kickstart payment of $600 million by early January (with notice of benefits being sent to producers by mid-December)
  3. Advance Payments
- immediately investigate any additional actions, and
- work with industry to improve:
  a. Canada's export market position through actions such as trade missions and concerted efforts to expand market access
  b. Competitiveness and profitability by addressing regulatory impediments identified by industry.

Industry and government officials (including representatives from provinces) continue to work together on an urgent basis. The Minister and his provincial and territorial colleagues are scheduled to discuss this further at their teleconference scheduled for December 13, 2007.

• (1510)

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING, MAY 18-21, 2007

WESTERN GOVERNORS' ASSOCIATION ANNUAL MEETING, JUNE 10-12, 2007

COUNCIL OF STATE GOVERNMENTS-EASTERN REGIONAL CONFERENCE ANNUAL MEETING AND POLICY FORUM, AUGUST 12-15, 2007

PACIFIC NORTHWEST ECONOMIC REGION ANNUAL SUMMIT, JULY 22-26, 2007— REPORTS TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table in the Senate the report of the Canadian delegation of the Canada-U.S. Inter-Parliamentary Group respecting its participation at, first, the forty-eighth annual meeting of the Canada-United States Inter-Parliamentary Group, Windsor, Ontario, May 18-21, 2007; second, a report of the Canadian Parliamentary Delegation to the Western Governors' Association, 2007 annual meeting, Deadwood, South Dakota, United States of America, June 10-12, 2007; third, the Council of State Governments, Eastern Regional Conference, forty-seventh annual meeting and regional policy forum, Quebec City, Quebec, August 12-15, 2007; and, finally, the Pacific NorthWest Economic Region, (PNWER), the Seventeenth Annual Summit, Anchorage, Alaska, United States of America, July 22-26, 2007.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Eyton, for the second reading of Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts.

Hon. John G. Bryden: Honourable senators, this bill is entitled the Tackling Violent Crime Bill. We all know that this title in fact does not mean much. The bill is really an omnibus bill that amends the Criminal Code, and this title will disappear; it is just spin, honourable senators, or a public relations exercise by this government that will no doubt be used to put pressure on us to speed up our study of its provisions or we will stand unfairly accused of not wanting to tackle violent crime. We have seen those tactics before from this government. We all remember the

last Bill C-2, the Federal Accountability Act, when extraordinary pressure was brought to bear on us to speed our study and pass that absolutely critical bill. Today, a year after it was passed, this government still is not ready to implement many of its critical provisions.

Senator Oliver: That is not correct.

Senator Bryden: Honourable senators, we are talking here about the Criminal Code of Canada. We are talking about provisions that will see Canadians put in prison for many years, and even indefinitely. These are serious matters, far too serious for spin or political gamesmanship. Our constitutional responsibility is to act as a chamber of sober second thought. I, for one, intend to do just that. I am confident my colleagues on this side will join me, and I fervently hope my colleagues opposite will as well.

I was happy to hear Senator Nolin's question last week, when he asked Senator Stratton, the sponsor of this bill, whether we will be able to study this bill and introduce amendments if we see fit, notwithstanding the statements of the Minister of Justice and the Prime Minister to the effect that no amendments will be accepted to this bill. I was pleased to hear Senator Stratton reply that the responsibility of this chamber is to examine the bill in detail and make our judgments on amendments later.

Let me get one thing straight, for the record, before we get into the meat of this very complex and far-reaching bill: This government likes to say that we on this side care about criminals more than we do about victims. That is hogwash, honourable senators. We care about Canadians. We care about upholding the Constitution of Canada and ensuring that all Canadians receive the rights and protections to which they are entitled, as Canadians. That includes a Canadian facing a court in this country, and it also includes a Canadian outside Canada, facing that most terrible sentence, the death penalty, even in the justice system of one of our closest neighbours and allies.

It is easy to talk about locking up murderers, but there have been mistakes, honourable senators. Ask Steven Truscott or Donald Marshall. Mistakes do not occur often, but when they do occur, they destroy the lives of innocent Canadians. The safeguards in our Constitution and criminal justice system are there precisely to try to ensure that such terrible miscarriages of justice do not happen. That is why I fight to defend our system, honourable senators. It is misleading and, frankly, insulting to suggest anything else.

In his speech last week, Senator Stratton talked about a number of reasons why the government was introducing these amendments. He quoted the preamble to the bill — incidentally, this is also something that will disappear — where it says that "Canadians are entitled to live in a safe society." There is no disagreement there, but the fact is, crime is down in this country. The fact is that our courts and police and Crown prosecutors do an excellent job of keeping us safe. Could things be better? Of course they could. Any violent crime is a terrible thing. However, it is wrong and even irresponsible to suggest that we are living in a violent, crime-ridden society when that is simply not true. Statistics Canada reported in October that the national homicide rate dropped by 10 per cent in 2006. Senator Stratton noted in his speech that Bill C-2 focuses on gun crimes. Honourable senators, 2006 saw a 16 per cent drop in the rate of firearm homicides. In fact, in 2006, stabbing deaths outnumbered homicides involving firearms. According to Statistics Canada, most violent offences are committed without a weapon at all.

Violent crime is a problem, and any violent crime is too much, but the best way to be tough on crime is to be smart in fighting it. We have to tackle the real problems of crime. I know, absolutely, that the best way to do that, the most effective way, the Canadian way, is to do it while remaining true to our values and beliefs and standards as a nation.

I was dismayed to see how selective this bill is in terms of the violent crimes that it addresses and those it ignores. Domestic violence is, by and large, ignored by this bill, yet 40 per cent of solved homicides in Canada in 2006 involved violence committed by intimate partners or family members. Experts say that the provisions in Bill C-2, by and large, fail to address the issues in those crimes. Why are those violent crimes, whose victims are most often women, ignored by this government?

On November 24, 2007, the *Ottawa Citizen* devoted a large part of its Saturday "Observer" section to crime in Canada and whether Bill C-2 actually addresses the real issues facing Canadians. The lead article by Don Butler, a respected journalist on these issues, was entitled "A solution in search of a problem."

It is our job to work with the facts and the experts and to design real solutions for real problems. Are there improvements to the Criminal Code that can and should be made? Absolutely, but there are a number of questions about some of the proposed amendments set out in Bill C-2 and the approach proposed to specific problems. Let me elaborate.

I will begin with what I frankly thought would be the least contentious part of this bill, raising the age of consent from 14 to 16. Justice Minister Nicholson has referred to this several times as one of his favourite parts of Bill C-2. The stated purpose, an excellent one, which I am positive all of us here emphatically support, is to protect young people against adult sexual predators.

However, honourable senators, as I examined the nuts and bolts of how these amendments have been drafted, I began to wonder whether that is truly the guiding principle in all of the amendments or whether we are seeing the use of that important goal as a smokescreen to slide in provisions that criminalize sexual conduct of which this government does not approve while specifically exempting other conduct of which it does approve. Or it may be that some of the amendments were drafted too quickly, and certain unintended consequences were the result. Either way, there are issues that will require study and consideration.

• (1520)

Bill C-2 addresses this issue by criminalizing any sexual activity between a 14- or 15-year-old and someone five or more years older. That sounds good, but honourable senators, these sexual activities include "all forms of sexual activity ranging from sexual touching such as kissing to sexual intercourse." That is a quote, honourable senators, from the Justice Canada website. The way

the amendments are drafted, consent is no longer available as a defence to such crimes. In other words, these offences essentially become strict liability crimes.

Just over two years ago, in July 2005, we passed another Bill C-2, which also amended the Criminal Code in order to better protect children. That bill provided for mandatory minimum punishments of imprisonment for individuals found guilty of a number of these crimes. That is fine when we are talking about 50-year-olds preying on 14- and 15-year-olds. However, as drafted, this bill lumps 19-year-olds in with 50-year-olds. To provide some additional context, 14- and 15-year-olds are usually in high school. It is not uncommon for a 19-year-old also to be in high school.

When one looks at the amendments passed in 2005, and combines them with what is proposed in this Bill C-2 we will have criminalized not only the acts we are concerned about, for example a 50-year-old preying on a 14-year-old, but also any sexuality activity — including kissing — between two high school students. The fact that they were on a date, or at a high school dance, and that the kiss was absolutely consensual is irrelevant. The 19-year-old would have to be sentenced to 14 days imprisonment; no option, it is mandatory.

Is that what we want our Criminal Code to say, honourable senators, that statement of our most fundamental values and beliefs as a nation? Is this a moral statement by this government, or simply the result of amendments drafted in too much haste?

Are these amendments necessary? Senator Stratton says that these amendments "will finally say no to adult sexual predators who seek to sexually exploit young, vulnerable persons." However, we already did this. The bill we passed just two years ago, in 2005, significantly strengthened the protection for young people against exploitive sexual activity. In fact, our amendments applied to protect young people between 14 and 18 years of age, a wider ambit than that anticipated here. Honourable senators will no doubt recall that the amendments we passed stated expressly that "a judge may infer that a person is in a relationship with a young person that is exploitive of the young person from the nature and circumstances of the relationship, including (a) the age of the young person; (b) the age difference between the person and the young person.

Do we know already that those amendments do not provide adequate protection? What problems have there been, what conduct by sexual predators is not adequately addressed by the current code? Honourable senators, I am a father and a grandfather. Like you and all Canadians, I want to ensure our children, our young people, are strongly protected. However, I do not want to continue to pass laws, especially ones that criminalize innocent conduct. Are there better ways to strengthen the law? For example, could we include a rebuttable presumption, for example, that someone who is five or more years older is presumed to be in an exploitative relationship? This would allow a judge to assess the facts of the particular case before him or her, and decide on the correct and appropriate disposition in the circumstances.

Senators Nolin and Andreychuk, along with other members of the Standing Senate Committee on Legal and Constitutional Affairs at that time, including me, will recall that there were concerns that the previous Bill C-2 went too far, especially in imposing mandatory minimum punishments. The committee recommended that research be undertaken and made available for the five-year parliamentary review called for in the bill — and the committee took the extra step of saying that in view of the controversial nature of a number of the provisions in the bill, the committee wished to review the bill before five years have elapsed.

I admit to being surprised that the government knows already that those amendments, passed just two years ago, clearly were not sufficient. What we thought as going too far at the time, in fact, did not go far enough. I know that Senator Andreychuk and Senator Nolin will join all committee members in looking forward to seeing the result of the government's research on what has occurred in the last two years.

I was also surprised at one of the exceptions to the age of consent amendments. Subsection 150.1(2.1) sets out two exceptions to the strict liability aspect of these provisions. It says that consent is a defence if (a) the accused is less than five years older and is not in a position of trust or authority towards the young person in question, is not in a relationship of dependency and is not in a relationship that is exploitive of the young person; or (b) the accused is married to the young person in question.

Honourable senators, as originally proposed in Bill C-22 in the last session, the marriage exception applied only on a transitional basis; that is, if the two were married on the day the subsection came into force. Justice Minister Nicholson was very clear when he testified before the Standing Committee on Justice and Human Rights on March 21, 2007 in the other place, that this exception was available only if the relationship was not one of authority, trust, dependency, or is not otherwise exploitive of the young person. He said:

> A time limited exception is therefore proposed for these youth where they are already, as at the date of the entry into force of the new age of protection — married, or living in a common-law relationship as already defined by the Criminal Code or as proposed by Bill C-22, and provided always that the relationship is not one of authority, trust, dependency, or is not otherwise exploitive of the young person.

This exception was changed in the Commons committee during their study of Bill C-22 from a transitional one to a permanent one. However, there is no proviso as described by the Justice Minister. It is there for common law relationships but not for marriages. A 50-year old sexual predator can prey upon a 14- or 15-year-old under this section, so long as the individuals marry each other. There are a number of provinces and territories where this could happen, for example, if the young girl is pregnant or the man somehow is able to persuade the girl's parents to consent to the marriage.

Does this make sense? We are criminalizing innocent relationships between two high school students that involve as little as a kiss, and sending older students to jail for a mandatory minimum of two weeks, with all the life consequences of a jail term and criminal record for a sexual offence, but we leave free and clear the 50-year-old sexual predator so long as he marries the young girl. Perhaps clarification on these issues will occur at committee.

• (1530)

In the interests of time, I will move to what used to be Bill C-10, the provisions providing enhanced mandatory minimum punishments for individuals who commit certain offences with firearms.

Here, too, I must ask, do we need these amendments? Will these amendments achieve their objective? Where is the evidence that these new penalties will reduce violent crime? Because, honourable senators, all the evidence that I have read says that this is wrong-headed policy.

These proposed new penalties will not deter crime. They have not worked in other jurisdictions where they have been tried. The only real argument in favour of long-term incarceration as a crime deterrent is that while someone is in prison, he or she cannot commit a crime. The problem is, unless we are prepared to lock up every criminal for every crime for life, eventually the criminal will be released.

Chief Superintendent Michael Woods of the RCMP told the Standing Committee on Justice and Human Rights in the other place:

> The proposed legislation will have a positive impact on crime rates in terms of incapacitation. You're putting more people in jail, and if you're lucky enough to hit the prolific offenders, then the people committing the most crime will be behind bars and not committing crimes while they're there.
>
> There are two problems. I'm thoroughly convinced that it doesn't deter them from committing the offence. More importantly, what happens to the community when they come back out?

He was quite clear in his testimony:

> The threat to the community is eliminated through his lack of access to it, but he may be a greater threat upon his release. Prison allows him to learn his craft better and provides him the opportunity to increase his network.

Again, honourable senators, if this government truly wants to be serious about tackling violent crimes, then is this really the best way to accomplish this task?

One of our critical roles in this chamber is to represent minorities. Honourable senators, there are serious concerns that these proposed penalties will disproportionately impact upon Aboriginal Canadians and visible minority groups. Aboriginal Canadians make up 3 per cent of the Canadian population, yet 22 per cent of the prison population in this country. There is great concern, shared by many, that this will only be exacerbated by the provisions of this bill.

This has certainly been the experience in other jurisdictions that adopted mandatory minimum punishments. Julian Roberts prepared a study for our own Justice Canada in September 2005, in which he examined the mandatory minimum sentences of imprisonment in several different common law jurisdictions. The experience in the Northern Territory of Australia is instructive and frightening.

Mr. Roberts wrote:

> As is the case in some other jurisdictions, the mandatory sentencing legislation in the Northern Territory affected Aboriginal offenders to a disproportionate degree. As of 2001, Aboriginal offenders were represented in the population of mandatory sentencing offenders at a rate of 3,728 per 100,000 adult population compared to 432 for non-Aboriginal peoples. This disproportionate impact on Aboriginal communities is one of the factors giving rise to the repeal of some of these provisions.

The United States, of course, has used mandatory minimum prison sentences for a number of years in their attempt to reduce crime. A new study was released just a few weeks ago called *Unlocking America: Why and How to Reduce America's Prison Population* It was produced by the JFA Institute, a non-profit agency that has worked for 30 years on justice and corrections research. The report lists nine authors, each a prominent expert in the criminal justice field. On this issue they found:

> Prison policy has exacerbated the festering national problem of social and racial inequality. Incarceration rates for Blacks and Latinos are now more than six times higher than for Whites; 60 per cent of America's prison population is either African-American or Latino. A shocking 8 per cent of Black men of working age are now behind bars, and 21 per cent of those between the ages of 25 and 44 have served a sentence at some point in their lives. At current rates, one third of all Black males, one sixth of all Latinos and one in 17 White males will go to prison during their lives. Incarceration rates this high are a national tragedy.
>
> . . . In effect, the imprisonment binge created our own American apartheid.

Honourable senators, this must not be our future. This is an issue that must be examined carefully.

Let me for a minute tell you about a young girl from my province of New Brunswick, and how her prison sentence impacted her life.

When she was 15, Ashley Smith committed a crime. She threw crabapples at a postal worker. Maybe some of you do not know what a crabapple is. A crabapple is a little apple about the circumference of a loonie, and you use it to make crabapple jelly. She threw them at a postal worker. This was a crime, honourable senators, deserving of punishment.

According to *The Globe and Mail* last Saturday, she had been told that the postal worker liked to deliver the welfare cheques a few days late. She decided to teach him a lesson, climbed a tree and threw the crabapples at him.

She was convicted of a series of offences, including assault with a weapon, assaulting a peace officer, uttering threats and possession of a prohibited weapon in a vehicle. Most of her convictions apparently came from conflicts with the authorities in prison.

She was sentenced to six years' imprisonment. *The Globe and Mail*, which has now published two articles about her case, wrote that her parents tried to make the best of it, hoping that some jail

time might finally straighten her out. "We were encouraged to let the professionals take over," they said in a statement. But the six years turned into a death sentence.

Peter Cheney, *The Globe and Mail* reporter wrote, "Critics contend that Ms. Smith's treatment created what amounts to an institutional suicide machine."

She was sent from one institution to another across Canada, effectively cut off from her family in Moncton. She was assaulted in prison. For nearly two years, she was confined to segregation cells, where she lived alone in appalling conditions. She was forced to sleep on a concrete slab, no mattress, no blanket. She was wrapped in a confinement chair. Her only clothing was a security gown, a garment that has been described as resembling a horse blanket.

According to Kim Pate of the Canadian Association of Elizabeth Fry Societies, who met with her several times said that Ms. Smith was spiralling downward, trapped in a cycle of self-defeating rage against the institution, which reacted with more punishments and deprivations.

On October 19, honourable senators, Ms. Smith committed suicide. Her parents have said that they took her away from us at 15; they returned her to us at 19 in a body bag. By the way, she would have been eligible for release from prison on November 27.

There are criminal charges now pending against four prison employees and several investigations under way; but we must not deceive ourselves as to what prison is like and what we are doing when we legislate for more and higher mandatory minimum prison sentences.

As Senator Nolin — I am really not picking on him — told this chamber just two and a half years ago, quoting from Supreme Court Justice Louise Arbour:

> Mandatory minimum sentences are not the norm in this country, and they depart from the general principles of sentencing expressed in the Code, in the case law, and in the literature on sentencing.

• (1540)

Senator Nolin was clear in 2005. He said we should not impose new minimum sentences "simply because some people consider the legal system and the sentencing proceedings are not sufficiently effective." I agree whole heartedly.

These are critical questions of the policy of these mandatory minimum prison sentences. However, there are problems when one goes into the details of the proposed amendments. For example, the bill imposes different mandatory minimum prison sentences depending on the type of firearm used to commit a particular offence. Higher minimum sentences are required if the weapon is a restricted or prohibited firearm rather than, for example, a long gun.

Honourable senators, I can understand this kind of differentiation for offences like importing or trafficking in weapons. However, I fail to understand its rationale for an offence like sexual assault with a weapon, aggravated assault, robbery or attempted murder.

How would this government explain to a sexual assault victim why her attacker received a lower prison sentence than someone else because his weapon of choice was a long gun rather than a handgun?

I suspect any firearm is terrifying to a victim. One person's sexual assault is not better or less blameworthy than someone else's because the attacker used one type of gun rather than another.

Laurent Champagne of Church Council on Justice and Corrections pointed out to the Standing Committee on Justice and Human Rights in the other place some of the bizarre results of the drafting of the proposed provisions:

> Under the amendments proposed pursuant to Bill C-10, the following situation could occur. A person carrying a loaded long gun like a hunting rifle commits a robbery in a convenience store, for instance. He has a long criminal record which includes many previous firearms-related guilty pleas. Under section 344(1)(a.1) he would be punishable by a mandatory minimum sentence of four years.
>
> Another person commits a robbery under similar circumstances but carries an unloaded handgun. It is a first offence and the person has no criminal record. In this case the offender would receive a mandatory minimum sentence of five years, under section 344(1)(a). The same provision would apply if instead of robbery, the offence was sexual assault, kidnapping, hostage taking or extortion.
>
> This proves that the length of mandatory minimum sentences under the bill depends on the legal status of the firearm in question rather than on the actual danger to the public caused by the offence. An unloaded handgun is considered more serious than a loaded long gun, shotgun or hunting rifle, regardless of the actual circumstances of the crime or of the offender's actions, the actual harm caused or any victim-related considerations.

Honourable senators, what message is this government trying to send with these provisions? I believe that the underlying premise of these mandatory minimum prison sentences is that would-be criminals know the Criminal Code and make informed choices based on its provisions. The argument follows that someone would refrain from committing a criminal act because that person is deterred by the mandatory minimum prison sentence.

I do not accept that premise. Based on my experience as a former deputy minister of justice and from various readings, I believe that would-be criminals are deterred only by the likelihood of being caught. They are not deterred by the penalty for the crime set out in the Criminal Code.

If we accept the government's premise for the moment, then what are we to make of these provisions? Is the government trying to tell would-be criminals, do not commit sexual assault with a weapon, but if you really want to, then use a long gun rather than a handgun.

While tacitly encouraging people to use long guns to commit crimes, this government simultaneously is doing away with the long gun registry. Again, this is a strange way to tackle violent crime.

Even the Canadian Police Association has come out publicly against this differentiated treatment, calling it "misguided" and admitting that they are "at a loss to understand the rationale."

They point out that, in many situations, a rifle or shotgun is a far more lethal threat in the hands of a criminal than a handgun. I ask honourable senators to recall the kind of gun responsible for killing the four police officers in Alberta, the one that killed the man in Nunavut and the kind of rifle that caused the tragedy in Montreal.

According to newspaper reports in the last few days, this government recently passed an order delaying for two more years, until December, 2009, the coming into force of a regulation requiring Canadian gun importers to mark all firearms imported into the country.

In contrast to the fanfare with which they have tabled this "Tackling Violent Crime" bill, this order was passed quietly. It was so quiet, in fact, that the Canadian Association of Police Boards wrote on November 23 to the government asking it not to delay the measure, not knowing that the order to delay had already passed cabinet several days before.

This situation does not make sense to me, honourable senators. This bill imposes tough mandatory minimum prison sentences for offences involving firearms, including weapons trafficking and importing or exporting weapons, knowing it is unauthorized. Why would this government simultaneously delay implementation of a regulation that could facilitate the investigation of these same crimes?

Is this government serious about tackling gun crime?

The bill also would change significantly the current regime concerning dangerous offenders and long-term offenders. There are a number of issues with the proposed provisions, but I will confine myself to two points today.

The first is the constitutionality of the proposed "reverse onus" that would be created under this bill. In brief, the bill creates a new category called "primary designated offences." To name a few, these offences include the broad offence of sexual interference, which covers everything from a kiss to sexual intercourse; sexual assault; assault with a weapon; discharging a firearm with intent; and attempted murder. The bill then provides that if someone has two convictions for a primary designated offence, and was sentenced to two years' imprisonment or more for each of them, the third time they are presumed to be a dangerous offender under the Criminal Code.

In other words, there is a reverse onus, and it is for the offender to prove on a balance of probabilities that he or she is not a dangerous offender.

The bill then provides a second reverse onus, whereby the court is required to impose a sentence of indeterminate detention unless it is satisfied by the evidence adduced that a lesser sentence will protect the public adequately.

A number of legal experts have raised serious doubts about the constitutionality of this proposed regime. Serious questions have been raised whether the provisions effectively eradicate the constitutional "right to silence." Questions have been raised about sections 7 and 9 of the Charter, and the likelihood of success of a constitutional challenge based on one or both of the provisions. The Justice Department has testified that the provisions are "not manifestly unconstitutional," a clear, courageous opinion.

• (1550)

Honourable senators, on an issue of this importance where Canadians will be put away in prison for an indeterminant sentence essentially for preventive detention, surely we need more than "not manifestly unconstitutional."

I am particularly troubled because, right now, we have a system to put dangerous offenders in prison for an indeterminant period. This system has been tested in the courts and it is constitutional, it protects the fundamental rights and freedoms of Canadians as expressed in our Charter of Rights and Freedoms, and it works to keep us safe. If the new provisions are found unconstitutional, will we have any regime for keeping dangerous offenders in prison? The current system will be gone. Are we risking losing a system that we know works to try something that experts have warned might well be found to be unconstitutional? Again, the government needs to explain why it feels these changes are essential so that the committee and this chamber can assess whether, on balance, the risk is worth taking.

The second issue on dangerous offenders that I want to address occurs throughout Bill C-2, specifically, the bill repeatedly removes discretion from judges and entrusts the authority instead with Crown prosecutors. Under the current Criminal Code provisions on dangerous offenders, discretion is accorded to judges. Essentially, they are called upon to judge, which is exactly what a judge is meant to do and trained to do. For example, the Code currently says that a court "may" order an assessment to see whether an offender might be a dangerous offender, and then, it "may" find the offender to be a dangerous offender. In each of these provisions, this bill proposes to change "may" to a mandatory "shall." The discretion is shifted to the prosecutor, who has the discretion to decide whether to apply under the dangerous offender provisions in the first place.

This distrust of Canadian judges is evident elsewhere throughout the bill as well, most notably in the heavy hand of the amendments imposing new and longer mandatory minimum sentences. Mr. Justice Gomery has called this "a slap in the face" to Canadian judges — a judiciary that is among the most respected in the world, honourable senators. We have safeguards in our system and carefully developed checks and balances on the decisions of our judges. First, there is the appointment process that helps to ensure that our judges represent the best of our legal profession. Then, there is the appeal process, which is the ultimate safeguard on each decision that each judge makes.

Where are the safeguards on the backroom deals made by the prosecutors? Witnesses appearing before the committee in the other place have repeatedly warned that the prospect of mandatory minimum prison sentences, compounded by the

possibility of a "third-strike-and-you-are-out" designation as a dangerous offender, will enhance the power of police and prosecutors, who have the authority to choose which charge to lay. Will it be the offence that carries a mandatory minimum? Will it be an offence characterized as a "primary designated offence"? The Canadian Bar Association has said that the bill will change plea bargaining to charge bargaining.

Honourable senators, our criminal justice system is an adversarial one with the judge, not the prosecutor, as the independent arbiter. I fear that we will radically transform this time-tested system in ways whose outcomes cannot be foreseen. Again, the stakes are terribly high — the highest they can be. We are experimenting with people's freedom.

Honourable senators, there are many important questions to consider during the study of this highly complex and far-reaching bill — questions of drafting detail and of broad policy choices. Violent crime is an issue for Canadians, but is this bill the best way to tackle it? Witnesses before committee in the other place suggested, in many cases emphatically, that it is not the best way. The proposed mandatory minimum penalties will not deter crime and, in fact, may make crime even worse when now-hardened criminals emerge from long sentences in penitentiaries. Provisions in Bill C-2 override long-established principles of Canadian criminal justice, including the critical principle of proportionality in sentencing. Bill C-2 turns traditional roles and relationships on their heads, shifting power and discretion from judges, who are trained to exercise it and who have established appeal procedures to check their power, onto Crown prosecutors, who exercise this power largely behind closed doors and in an adversarial system not designed for this new role.

Honourable senators I will close with a quote from Anthony Doob, a highly respected criminologist in this country. He said:

> Bills such as this one imply that the solution to serious crime in Canada lies in small changes in the criminal law. In effect, the message you give is that you have addressed the violent crime problem. In fact, there's almost nothing in this bill that will have any impact on violent crime. So not only are you distracting yourselves from changes that will have long-term positive impacts on our society, but you are doing things that will use resources that could be better spent on measures that would address crime.

Honourable senators, time does not permit me to address the other two bills — Bill C-32, on impaired driving, and Bill C-35, which reverses the onus in certain bail hearings.

I thank honourable senators for listening patiently and I ask them please to think about what they are doing.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to, on division, and bill read second time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

REFERRED TO COMMITTEE

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

BILL TO PERMIT THE RESUMPTION AND CONTINUATION OF THE OPERATION OF THE NATIONAL RESEARCH UNIVERSAL REACTOR AT CHALK RIVER

SECOND READING

Hon. Wilbert J. Keon moved second reading of Bill C-38, An Act to permit the resumption and continuation of the operation of the National Universal Reactor at Chalk River.

He said: Honourable senators, I rise to speak in support of Bill C-38, which mandates the Atomic Energy of Canada Limited, AECL, to restart its National Research Universal, NRU, reactor at Chalk River. In considering this legislation, we have to take into account a certain sense of urgency. In a nutshell, Chalk River's NRU reactor has been shut down since November 18, 2007, leading to delays and cancellations of medical procedures involving medical isotopes in Canada. Not only has this extended shutdown put the health of Canadians at risk, it has also contributed to a shortage of medical isotopes worldwide. As many of you know, the isotopes in question are particularly important for diagnostic tests and cancer treatment. As a result of this shortage in isotopes, many treatments and tests are either being cancelled or delayed.

• (1600)

My understanding is that this problem of limited supply of isotopes is quite evident in medical institutions based in smaller communities across Canada, and particularly in the Atlantic Provinces. As a result, in these areas, the priority is increasingly becoming one of treating emergency patients only.

The Canadian Medical Association is very concerned about this. Their president, Dr. Brian Day said, "In balancing relative risk, it is important to ensure that the serious and immediate human health consequences of isotope shortage are fully taken into account."

Clearly, honourable senators, this is an unacceptable and critical situation. As Health Minister Tony Clement stated on Tuesday in the House of Commons, "resuming medical isotope production is an immediate priority for Canada's government." This is why Canada's government has reacted swiftly the moment the extended shutdown of the reactor at Chalk River occurred. The government has done its due diligence by staying in contact with the Canadian Nuclear Safety Commission and Atomic Energy of Canada Limited. This has been important in ensuring that we find timely solutions to this severe shortage.

My understanding is that the government has also been working with its national and international partners and its officials to identify an alternative source of isotope supply in other countries and other diagnostic options, but the best course for resolving this problem would be to ensure speedy passage of Bill C-38.

The government has given its assurance that the National Research Universal, or the NRU, reactor at Chalk River can be safely started. Indeed, Bill C-38 even contains a clause that stipulates that AECL may resume and continue the operation of the NRU reactor only if it is satisfied that it is safe to do so.

While AECL made the original decision to extend a regularly-scheduled maintenance shutdown in order to perform additional modifications required to meet Canadian Nuclear Safety Commission licence requirements, technical experts now assure us that the reactor can still operate safely. According to the technical experts, the NRU reactor can operate safely on an interim basis until all modifications are completed. In coming to this conclusion, they have also cited the recent connection of a back-up pump power system as substantial upgrade for the reactor, which has operated safely for decades.

Honourable senators, while we all regret that the extended shutdown at Chalk River has led to this serious situation, fortunately we are in a position where we can do something about it.

I raised the matter of safety this morning with the local MP, Cheryl Gallant. She confirmed my own opinion of what goes on at Chalk River. I must tell you that I have a personal interest, since my own country home lies eight kilometres downstream from the Chalk River plant. I am very confident that safety during this 120-day period is not an issue. I have confidence in the people who work at AECL, and I know many of them.

The people who work at Chalk River take pride in what they do. Under no circumstances would they allow any action that would endanger their fellow workers, their community or all Canadians. There are over 2,500 workers currently on site at the Chalk River location. These workers and their families live in the vicinity of the Chalk River site. They include people who have decades of experience. They have made a career in the nuclear industry. It is their life's work. To become an operator takes a minimum of four years of training and involves a mentorship at the reactor location. Much of this is on-the-job training under supervision. To become a senior reactor shift engineer requires an engineering degree, plus four years training with rotation focus on specific aspects of the operations, that is rods, loops and other controls then progressing to work in the control room, alongside an experienced senior reactor shift engineer.

In addition, everyone working in the reactor undertakes refresher training on a regular basis, from three to five years, both during the initial training and through the formal continuing training program, specialized training for components and when procedures and conditions require or when changes are made. Training packages are developed for specific work which will be updated with new information to reflect the upgrades as they come on line.

There are employees at Chalk River working within the NRU who are now third generation, fathers and sons working together, their grandchildren returning for summer jobs. There is pride in their work. There is tremendous expertise. This is a highly educated and dedicated workforce.

Honourable senators, as we try to balance the safety risk of passage of this bill to the health risk of not passing it, it seems clear to me that we should proceed with its passage.

Hon. Sharon Carstairs: Honourable senators, I thank Senator Keon for his speech. I rise to speak on this very important bill, and I do so today because of the urgency of this matter. Medical isotopes produced in Canada are necessary now, not only in Canada but in all other nations where we provide this product. However, there is also a safety issue involved here, and therefore the correct balance must be found between these competing but equally important issues.

This is one of those issues in which partisanship should not have played a role. The Prime Minister should have called all the political parties in the House and the Senate, and also the competing parties, the Atomic Energy Commission and the Canadian Nuclear Safety Commission together. Instead, he chose, as only a non-leader can do, to politicize this issue.

Senator Oliver: That is not the case.

Senator Carstairs: He owes Linda Keen, the president and chief executive officer of the Canadian Nuclear Safety Commission, a public apology. This career public servant, appointed to this position, albeit by a Liberal government, did not deserve the attack he launched on her and other members of her committee yesterday. She was doing her job. She was ensuring the safety of nuclear institutions in this country. She was obeying the law. However, since the present Canadian administration does not understand the concept of apology, I offer her one, which I hope everyone in this chamber will support.

I suspect that each and every honourable senator in this room, either personally or through their family, has been subjected to some form of nuclear medicine, even though they may not have been aware of it at the time. Within my own family, I am extremely grateful for this technology. Following my husband's diagnosis with prostate cancer and the recognition that the Gleason score, which measures the intensity of cancer, indicated that the cancer had spread beyond the prostate gland and therefore he was not a candidate for surgery, his treatment was external beam radiation, followed by radioactive seed implants, a therapy called brachytherapy, followed by hormone therapy. That was 10 years ago, and he remains in remission to the delight of his family and, I must admit, particularly me. Our daughter Catherine was diagnosed with Non-Hodgkin's lymphoma a year ago after the discovery of a 12 by 9 centimetre growth in the middle of her chest. We again turned to nuclear medicine as well as chemotherapy. When her PET scan last May, in which any cancer cells would glow if they were still present in her body, came back negative there was great rejoicing in our family. There is absolutely no question in my mind regarding the value of nuclear medicine and the need for us to ensure the adequate supply of isotopes and other factors that can make such good news stories happen.

• (1610)

Honourable senators, that is only one part of the equation. Canadians, particularly those who live in the vicinity of Chalk River, Ontario where these products are produced, must be assured of their personal safety. Their safety is as important as the safety of my family. The NRU facility is 50 years old. Maple 1 and Maple 2, which have been slated to replace the NRU, have had constant construction delays. They are nearly 10 years behind schedule and way over budget.

The administration of AECL has a great deal to be held accountable for. Like Senator Keon, I think the employees of AECL are first class, but I do not have the same faith in the administration. They were granted an extension to their licence to operate the NRU reactor until October 31, 2011. That extension was predicated on certain upgrades being done. Meanwhile, the work needed to be done on the NRU was fully known to the Atomic Energy Commission. When AECL closed the reactor for maintenance work on November 19 of this year, it was discovered that the emergency power systems had not been connected to the cooling pumps, despite the assurances in October 2006 when the licences had been renewed that this would be done. The administration of AECL has acted in its typically non-urgent way. It is apparently not urgent to get the new reactors up and running, according to AECL. It is not urgent to meet the safety standards that assure the regulating body.

Why were they the least bit surprised when the safety commission refused to let them reopen without the necessary safety pumps? Why has the Minister of Health, the Honourable Tony Clement, not been on this file much faster in order to prevent what is now an emergency situation?

The proposed legislation before us is relatively simple. It allows AECL to reopen immediately to produce isotopes for a period of 120 days. Hopefully, by then the emergency pumps will be fully operational. However, will the administration of AECL now understand what the word "urgent" actually means? Hopefully, there will be no untoward accidents at the NRU over the next 120 days.

Honourable senators, we are being asked to take a leap of faith. I wish that my past experiences with the administration at AECL and their failure to address serious and urgent personnel needs at the Pinawa plant in Manitoba some years ago gave me the sense that my faith is in good hands. Regrettably, I do not have that faith in the administration of AECL. However, for the safety and health of Canadians and many in foreign countries, I must take this leap of faith. I do so reluctantly. I also give fair warning to the administration of AECL. If they do not get their act together in 120 days, then they will have a great deal of explaining to do to this chamber, to the Canadian people and hopefully to the Minister of Health.

Hon. Tommy Banks: Honourable senators, everything that Senator Carstairs said is right. When Senator Keon talked about an unacceptable situation in not being able to deliver isotopes in the interest of the health of Canadians, he was right.

However, the other thing that is utterly unacceptable is that Canada should be placed in the position of having to make the odious choice between the immediate health of Canadians in respect of cancer diagnosis and treatment on the one hand, and the dangers that exist in the unsafe operation of a 50-year-old nuclear facility on the other. We should never have to make that choice. We should never have to say because we are going to deliver the isotopes — because there is an immediate emergency that we do that — that we will operate a nuclear generator that ought to have been retired more than a decade ago. That should never be the case.

We are relying on the word of Mr. Brian McGee, a senior official at AECL that the facility will be safe. This assurance is coming from an executive who knowingly operated a nuclear generation facility unsafely and in violation of one of its licence conditions.

I first learned about the relationship between the commission and AECL when I was assigned to the Standing Senate Committee on Energy, the Environment and Natural Resources when Senator Taylor was the chair. We produced a study on nuclear safety. We referred to these kinds of questions.

I hope that we will vote on this bill with alacrity because we have to produce those isotopes. We have to make that horrible choice between these two unacceptable options.

We should have third reading of the bill today because if we are to leap, we might as well leap. However, this should never have been allowed to happen. This was known weeks ago by the government. The conditions under which this new licence was reissued were known to AECL in August 2006 and the situation has not been addressed before now. All of a sudden this ridiculous choice is foisted upon us.

I will be proposing to the Standing Senate Committee Energy, the Environment and Natural Resources, which I have the honour to chair, that the officials of AECL be called before us immediately on an emergency basis to answer questions with respect to this situation. We will want to hear why this has happened, where the fault actually lies and try to do something about it.

In the meantime, I agree with Senators Keon and Carstairs that we must sadly deal with this bill now.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

[*Translation*]

REFERRED TO COMMITTEE OF THE WHOLE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this bill be referred to Committee of the Whole immediately.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1640)

CONSIDERATION IN COMMITTEE OF THE WHOLE

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Senator Losier-Cool in the chair.

The Chair: Honourable senators, the Senate is now in Committee of the Whole to consider Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River.

[*English*]

Honourable senators, rule 83 states:

> When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed that rule 83 be waived?

Hon. Senators: Agreed.

The Chair: Carried.

[*Translation*]

Senator Comeau: Honourable senators, pursuant to rule 21 of the Rules of the Senate, I ask that we invite the Honourable Tony Clement, Minister of Health, and the Honourable Gary Lunn, Minister of Natural Resources, to participate in the deliberations of the Committee of the Whole and that their departmental officials be authorized to accompany them.

The Chair: Is it agreed, honourable senators?

Hon. Senators: Agreed.

• (1650)

The Chair: Minister Clement and Minister Lunn, welcome to the Senate. I invite you to introduce your departmental officials and make your opening remarks.

[*English*]

Hon. Tony Clement, P.C., M.P., Minister of Health: Honourable senators, I am grateful to be here. With me is the Deputy Minister of Health, Morris Rosenberg, and the Assistant Deputy Minister of Health, Meena Ballantyne.

I am speaking to you today in support of the government's legislation to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River. We are very pleased that the bill passed in an emergency sitting of the House last night. All parties had an opportunity to bring forward their concerns and the House heard testimony and answers from expert witnesses. I would also like to thank honourable senators who have expressed their desire to see this legislation pass as quickly as possible.

As honourable senators may know, the extended shut down of this reactor has resulted in a world-wide shortage of medical isotopes. These isotopes are used by physicians for cancer and heart disease treatment and diagnostic tests. This shortage has resulted in an intolerable situation in which cancer and heart disease treatments and diagnostics are being delayed or cancelled.

[*Translation*]

Our government is very concerned about the fact that Canadians are unable to obtain the treatment they need.

[*English*]

We have learned that many institutions have very limited supplies. Some centres, particularly in Atlantic Canada and in smaller facilities across the country, are focusing on emergency patients only.

[*Translation*]

If the shortage goes on any longer, it will have a serious impact on public health in several provinces. We are already seeing some of the effects.

[*English*]

One hospital in Newfoundland has told me that most of their staff members in nuclear medicine have been sent home. Without isotopes, there is no work for them to do. Their last generator expired at 12 o'clock last Friday and they have no backup. All appoints for patients have been cancelled and all emergency patients are being turned away.

In another instance, a gentleman suffering from cancer in St. Catharine's, Ontario, had his badly-needed treatment this morning cancelled because the hospital did not have the necessary nuclear isotopes.

Dr. Brian Day, President of the Canadian Medical Association, has indicated that the CMA is "very concerned" about this situation, and that "in balancing relative risk, it is important to ensure that the serious and immediate human health consequences of the isotope shortage are fully taken into account."

This is obviously a very critical situation, and resuming medical isotope production is an immediate priority for Canada's government. In fact, ensuring that cancer patients receive their treatment should be a priority for all honourable senators. I urge you to support this legislation and to ensure that this bill gets speedy approval.

[*Translation*]

We reacted promptly the moment we were alerted to this extended shutdown of the reactor, and we are exploring all our options. We remain in constant contact with Atomic Energy of Canada Limited and the Canadian Nuclear Safety Commission to ensure that those two organizations cooperate to find a solution to this severe shortage.

[*English*]

We have been working with our officials, as well as national and international partners, to identify alternative sources of supply in other countries, other isotopes that can be applied and other diagnostic options which may be available. We have worked diligently towards resolving this situation, but the best solution for Canadians would be to make these necessary medical isotopes available as quickly as possible. To do this, we need to get the reactor at Chalk River up and running again. For this reason, I am very pleased this bill passed in the House of Commons, and I hope today the Senate will provide swift passage of this urgent legislation. It is very important to pass this bill, honourable

senators. I cannot stand by while the well-being of Canadians is being jeopardized. Please stand up for Canadians in need of cancer treatment.

The Chair: Minister Lunn, please give your opening remarks, and then I will give senators the chance to ask questions.

Hon. Gary Lunn, P.C., M.P., Minister of Natural Resources: Honourable senators, Catherine Doyle, Deputy Minister of Natural Resources, is with me, as well.

I would also like to thank the Senate for this opportunity to come in and address you and try to respond to your questions.

As my colleague has said, this bill was before the House last night. It passed in an emergency session. We were very pleased to receive the support of all parties for the passage of this bill.

The intent of the bill is to restart the NRU reactors as quickly as possible for a period of 120 days so we can restore our medical isotope supply while ensuring the safe operation of the reactor. This bill will continue the safe operation of the NRU that does produce these isotopes. The legislation would permit Atomic Energy of Canada Limited to resume operation of the NRU for a period of 120 days with one specific exemption to their licence conditions: Two pumps, specifically. However, the bill states explicitly that the Canadian Nuclear Safety Commission will have authority over all of the matters, with the exception of these two pumps.

As of today, AECL has installed one of the two backup power supply units which is required under the licence. This is used as a backup emergency power system in the event of an earthquake. It is important to point out that these backup power supplies are, in fact, upgrades.

I need to stress that these emergency powers for the NRU already exist; there are multiple backup systems. Last night, we learned from the witnesses from AECL, CNA and independent experts in our hearings that they all agreed that the NRU reactor today would operate equally safe or, in fact, safer than it has ever operated before.

These experts said: "It would be prudent to start the NRU following the installation of the emergency power supply that can withstand a design-based earthquake to only one of the main heavy water pumps as proposed by AECL." That is operational now.

In other words, the NRU can be operated safely. As did the Minister of Health, immediately upon learning of this situation, I focused our entire efforts on restoring the supply of medical isotopes. We have focused on nothing else. What are all of our options? We have looked at alternate supplies and potential inventories. We can discuss that more fully in the time allotted for questions.

There is also the option of restarting the reactor. That was and continues to be our focus. Everyone has given us their absolute assurance that it is safe. In fact, they have said this is a licensing issue. It is not a safety issue. There is no question that when these upgrades are completed early, sometime within the next 120 days, that will make the reactor safer. However, there is no question that if we operated this reactor today it would be safer than when it was shutdown for scheduled maintenance on November 18.

I look forward to the questions of honourable senators and thank you for inviting us to the Senate.

[*Translation*]

The Chair: Under our rules, when the Senate goes into Committee of the Whole, a senator may speak several times. There may be a first, second or third round of questions if the need arises. Each senator has 10 minutes to ask questions. The list is open. Please indicate your intention to ask questions. I already have Senators Carstairs, Nolin, Dawson and Banks on my list.

• (1700)

[*English*]

Senator Carstairs: I will begin with a question to Minister Clement. We know the reactor was closed down on November 18 and that it would be closed for four days. Presumably at the end of that four days, which would bring us to the end of November 21 or possibly November 22, the reactor was to be reopened. When did you first learn that the reactor would not be opened and, therefore, these isotopes would not be produced?

Mr. Clement: It was Wednesday, December 5.

Senator Carstairs: Can you explain why it took that long? We are dealing with a difficult situation. Why did it take that long for you to be informed of this situation? Obviously, the production of the isotopes is the most important function of this reactor.

Mr. Clement: My colleague, Mr. Lunn, can provide a more detail but I can put on the record that I am disappointed by the amount of time it took for Health Canada to be informed. When I said, December 5, I mean both me, as minister, and Health Canada officials. There was no distinct timeline for Health Canada versus me on this matter. If we had known sooner, it would have helped, I believe, to at least arrange an alternate supply or consider what other treatments are available.

That is the situation. Of course, once Health Canada was informed, we swung into action immediately, consulting with over 800 hospitals and clinics across the country to determine the need. We set up an advisory group of medical oncologists and nuclear medicine specialists to advise us on a daily basis as to how we could triage. We were robust and aggressive once the situation was brought to our attention. Can I defer to Minister Lunn in terms of the timelines involved? Would that be helpful to you at this point?

Senator Carstairs: No, I would like to ask another question, after which we will hear from Minister Lunn, if that is acceptable.

Mr. Clement: That is fine.

Senator Carstairs: From your information, and provided Bill C-38 receives Royal Assent tonight, which it likely will, when do you think these isotopes can go back into production?

Mr. Clement: Based on the testimony that we received last night, Atomic Energy of Canada Limited indicated that there would be a period of time of six to eight days to "fire up" the reactor, because there is not a simple on and off switch. Some subpar isotopes could be produced within a few days but the production of radioisotopes necessary for medical conditions, from full stop to full production, will take about seven to eight days.

Senator Carstairs: People who are in wait lines for PET scans or seed implants for brachytherapy have been put on hold for approximately two weeks.

Mr. Clement: The current situation differs from province to province. In your home province of Manitoba, senator, alternative supply arrangements predated this issue, so we do not have any issues there. Alberta has alternative supply but other provinces, in particular in Atlantic Canada, have a severe shortage. Ontario and Quebec, at last check, had approximately 20 per cent of their normal supply. The supply varies across the country and it differs from institution to institution.

Currently, through the truly superhuman efforts of many medical practitioners, we are performing as much of triage as possible. It is a kind of regional triage, not a national triage, in that Alberta can help Saskatchewan and parts of British Columbia, for example. That is happening all across the country.

There have been some instances of complete lack of supply, and I gave you a couple of instances of what that situation leads to. Those instances are isolated right now and my testimony to senators is that this situation can continue for only so long. If the re-start of the reactor and production does not occur in the next seven to ten days, we will see severe shortages across the country and cancellation of therapies. We are literally on the razor's edge right now. If we start up tomorrow, I believe we can avoid any of that severe shortage. Leaving it any longer creates that possible scenario.

Senator Carstairs: Minister Lunn, when did you first learn that the reactor would not be fired up?

Mr. Lunn: I was first made aware of this situation late in the evening on Monday, December 3. On Tuesday, December 4, we immediately embarked on a fact-finding mission to determine the facts. We were advised by AECL. We had never received any notification from the Canadian Nuclear Safety Commission. The next day, my deputy minister and I embarked on telephone calls with both agencies to express our grave concern and ask that they work together to resolve this problem. Immediately, the Department of Health and the Department of Natural Resources began to work together to determine what they needed to do to restore the supply of medical isotopes. Our primary and sole focus from that point forward was to restore the supply of medical isotopes.

Senator Carstairs: Minister Lunn, what explanation did you receive from AECL about why it took them from November 22 to December 3 before they contacted you?

Mr. Lunn: They sent an email on November 30, although I never received it. It was a Friday so over the weekend, nothing happened. They sent the email to officials at the department as well and acknowledged that there was an extended shutdown but expected the NRU to resume operations in early December. Of course, they received this email, November 30.

For the record, it is unacceptable that either of these agencies did not contact the Government of Canada. I have instructed my officials to take steps to ensure that this situation does not happen. Both agencies had an obligation to inform the Government of Canada of any situation that is not normal or if there is an unusual or unscheduled shutdown.

Hopefully, we will never see that again but I can only surmise from what I know now that they were all scrambling to bring the NRU reactor back online, which they thought they would be able to do. They were pushing toward the one-pump solution, which we are doing today. That is all I can surmise, senator.

Senator Carstairs: I am pleased that you have given instructions that this is not to happen again.

Mr. Lunn: I have done so in writing.

Senator Carstairs: The reality is that AECL, as part of their licensing in October 2006, knew they needed these backup pumps to be installed, and they did not do it, and that is why they were not given permission to go back into operation.

Their failure to understand that they produce a product that is medically necessary not only from coast to coast to coast in this country but also around the world is totally unacceptable. Therefore, I commend you for making it clear to them that in the future they are not to allow this reactor to go down without proper notification to the minister immediately, even if they think they can have it up and running in a couple of days. If it will be shut down for more than the four days that they indicated they needed, then you should know that same day.

Mr. Lunn: I agree. If I may respond, I support your comments. Both agencies have a responsibility for any reactor anywhere in Canada that is not on a scheduled shutdown. We expect them to notify the government immediately. Concerning your comments with respect to license, there is some dispute with AECL and CNSC. Of course, I understand you will hear from those two agencies later. Perhaps you could address a specific question to them directly with respect to their licensing conditions.

• (1710)

[*Translation*]

Senator Nolin: Madame Chair, I am definitely not a scientist, perhaps no more so than Minister Lunn. I want to understand what happened. It seems like a series of horrors. A group of experts decides to shut down a reactor for four days. After the planned shutdown, the officials realize that they cannot restart it because there is a technical problem they did not know about.

I find it inconceivable that we must suffer such irresponsible administrators. As Senator Carstairs was saying, in the end they are responsible for the production of medical isotopes required by a multitude of people — not just Canadians but North Americans who are waiting for these products. Reprimands are not enough,

gentlemen. I do not know to what extent you can hold these people to account. I hope that they will receive more than just a letter of reprimand.

We cannot pass legislation every time an official has not planned his job properly in order to get back to work and then, two weeks later, everyone washes their hands of it, and having swept it under the rug, we celebrate Christmas, eat our turkey and everyone is happy. We cannot operate like that. If that is the situation, we have a serious problem.

My question is for your officials. What happened? What did the officials discover, after four days, that stopped them from starting up the reactor again? I want to understand what went on. It is beyond me. I am just a lawyer and I do not understand this part of the science.

[*English*]

Mr. Lunn: I can understand that, and I will try and put this in lay English.

First, I completely concur with your comments. What has happened is unacceptable by either agency and is something we do not accept. I will say that my entire focus as well as that of the Minister of Health and the Government of Canada has been to restore the supply of medical isotopes. We are hopeful that we can get this bill to Royal Assent so that can happen.

Senator Nolin: We will.

Mr. Lunn: The Prime Minister said very clearly on the record today that we will be ensuring that we gather all the facts and people will be held accountable.

Senator Nolin: Good.

Mr. Lunn: That is obviously not the priority today, but there will be full accountability in this. We are obviously very displeased about some of the events that happened.

I can tell you that this was, as I understand it, a scheduled maintenance shutdown from November 18 to 22. At some point in time, and this is unclear, they discovered that they were supposed to do seven upgrades to the reactors as part of their new licence condition. They discovered only six had been completed. The seventh was not.

Senator Nolin: They were supposed to do seven upgrades?

Mr. Lunn: That is correct.

Senator Nolin: They had planned seven upgrades?

Mr. Lunn: Not during this outage. This goes back to the August 2006 licence. This was a regular scheduled maintenance that had nothing to do with the upgrades. During this outage, they discovered that the seventh upgrade had not been hooked up, and it should have been done as part of their August 2006 licence.

Honourable senators can question those agencies. I will give you my understanding from the testimony last night. There is a dispute. AECL did not believe it was a licence condition but believed, in fact, that it was an enhancement, and they testified that they have documentation to suggest that CNSC was aware that these were not hooked up and that it was not a big deal and something that could be done later. There are multiple safety systems. There is some dispute as to that, and we need to focus, once we restart this, and get all the facts from both agencies, and then ensure that there is accountability. There is some dispute in that regard.

The one fact of which we are confident is that there is a backup power supply system in the event of an earthquake in this region. Other backup systems would shut the reactor down, but they are not earthquake-certified. This certified earthquake backup power supply system has two pumps. Since the shutdown, they have got one of the two pumps operational. I was advised that one pump is designed at 100 per cent capacity.

The short answer — and all of the witnesses have testified to this, AECL, the CNIC, and the independent advisories that we consulted with — is that if we restarted the reactor today, without question, the reactor would be as safe or even safer than it was operating prior to November 18. They have given us some of the numbers. Everyone has assured us that they would absolutely under no circumstances restart this reactor unless they were 100 per cent certain that they were doing it safely.

That is why we have gone to these extraordinary lengths. I agree with the earlier comments on accountability.

Senator Nolin: You will get the bill, definitely, but I wonder why you need it. If it is so safe to do it, why do it the way you decided to do it?

Mr. Lunn: It is our understanding that the Canadian Nuclear Safety Commission has the authority to actually restart the licence. The AECL, in their view, presented a case to restart the reactor to the Canadian Nuclear Safety Commission on November 30 to restart with one pump. The CNSC said that they did not believe the safety case was complete and they wanted a bunch more documentation. At that time, they advised that they would not give them that permission. Basically they want them to do the factual check, the analysis, the flow hydraulics, all the calculations to demonstrate why it would be safe, and that they would not be able to hear that case until sometime in January. That is what they told them on November 30.

AECL came to the conclusion that they could probably get the pumps in before January, and decided to install the two pumps to make the facility compliant, although they still believe and maintain that they can operate with one pump, and some would argue even without one. They are at an operational state right now with one pump ready to go. It is quicker for them just to get the other pump in, which is probably somewhere I would say at least two weeks away. They made that decision.

The Government of Canada looked at this information. Our focus was on safety and on the supply of medical isotopes, and clearly all the information before us suggests that this reactor can be restarted and resume production of isotopes with 100 per cent confidence in safety. It was viewpoint of the Government of Canada that we would not allow an unnecessary delay and put the lives of literally tens of thousands of Canadians at risk, so we are taking this extraordinary measure, and that is why we are here today.

Senator Banks: Welcome, ministers. Is not the short answer to Senator Nolin's question that, without this bill, if AECL were to start up the reactor again, it would be in violation of the law?

Mr. Lunn: That would be correct.

Senator Banks: This bill would permit what would otherwise, absent this bill, be a violation of the law that governs the operation of nuclear facilities in Canada; is that correct?

Mr. Lunn: This creates a one-time exemption for only 120 days.

Senator Banks: I should say that I agree with Senator Nolin that this bill will very likely pass third reading here today. As you and your predecessor and his predecessor and his predecessor know, the Senate does not like to do things that quickly, but I think that in this case we will because we are faced with a sort of Hobson's choice between two unhappy options. If you get the word tonight at 8:00 that this bill has been passed and received Royal Assent, or whatever the time might be, how quickly can the reactor be up and running? Can they start the process tonight?

• (1720)

Mr. Lunn: My understanding is they are ready to go. Once the bill receives Royal Assent, they will begin the start-up procedure.

It has gone through a maintenance shutdown, and you will likely hear from the engineers at the AECL that they have to do a number of safety checks on any start-up, especially when they have installed new parts. Therefore, the start-up procedure, to get to full capacity of the reactor, is typically about seven days.

About three days into the start-up, they will start pulling targets — with which they make the medical isotopes — and will be half-full of fuel. That is not the correct technical language, but there would be half. Obviously, they can start producing some radioisotopes out of that. It would not be the full amount of a regular one, but it would take about a week before we actually have usable isotopes — from the time they start until we have an isotope that we can use for procedures.

Senator Banks: You explained that, but the process can start immediately, is that right?

Mr. Lunn: That is correct. They are ready to go.

Senator Banks: Do I recall correctly that the AECL reports to Parliament through you, minister?

Mr. Lunn: That is correct.

Senator Banks: I think Minister Clement said that the government moved with alacrity when you learned about the extended shutdown. There is no doubt of that; you already referred to the timeline.

Can you tell us when you and your department first learned that AECL was operating that reactor in contravention of one of those seven license conditions that it received last August?

Mr. Lunn: I will give you what I know, but I have received conflicting messages over the last week. That comes back to Senator Nolin's question. Beyond this, I can assure you, we are going to get all the facts.

I have been advised that during the shutdown, AECL discovered that it was in contravention and reported this to the Canadian Nuclear Safety Commission, the CNSC. The CNSC advised me of the same. Then, in later testimony, it was suggested that the CNSC discovered that AECL was in contravention when they were on site.

I have also seen some reports that they knew in early November, before the scheduled shutdown, and they were constant discussions whether, in fact, this was just an enhancement or a licence violation. AECL maintains that in both the year end of 2005 and 2006, in their annual report they have to present to the CNSC, that they have documentation that they acknowledged that these two pumps are not critical to the safe operation. Again, I am paraphrasing, but they were allowed to permit without them.

There is some dispute, and we will have to go on a fact-finding mission. However, I think the discussion really got going sometime in November 2007.

Senator Banks: You have said that you and Mr. Clement both learned that it was not going to be started up again. Sometime after, that was apparent to others. You have now nailed the timeline that I was asking about. When the commission and AECL began discussing the problem, whatever the nature of the problem was, did anyone in either AECL or the commission go to the government? Did anyone go to the government in early November to point this out or to bring it to anyone in your department's attention?

Mr. Lunn: Not that I am aware of.

The Chair: Before I recognize Senator Tkachuk, senators, I have just been told that there is a vote at the House of Commons at 5:45 p.m., so the ministers will have to leave perhaps 5 minutes before that time. However, they will willingly come back after the vote if you need to have them back. We will have a second panel, and then if you express the desire, we will have more questions for the ministers.

Mr. Lunn: That would be agreeable.

Senator Tkachuk: The last time we did this was to stop the strike on the West Coast, if I remember correctly, not too long ago.

I want to spend a minute on risk. Please give us an idea of the amount of isotopes produced for Canadian use and the amount produced for the rest of the world. Please inform us of where we send these isotopes.

Mr. Lunn: There are five reactors in the world that produce isotopes. There are three in Europe — in Belgium, the Netherlands and France — one in South Africa and the reactor in Canada. When all the reactors are operating, Canada is responsible for about 50 per cent of the world's supply of medical

isotopes. When other reactors go down for scheduled maintenance shutdowns, Canada has the capacity to deliver 70 per cent of the world's supply.

The Canadian reactor is responsible for about 25,000 medical procedures per day, so it is significant. I do not know the exact distribution breakdown. I suspect, senator, that most of this would be in the North American market, but I do not know that for certain. Obviously, for transporting, that would lead one to the conclusion. However, those are the five reactors on the globe that produce medical isotopes.

Senator Tkachuk: Is this start-up going to replenish only our supply or is it going to replenish our supply plus our export supply?

Mr. Clement: I can answer that, senator. AECL has assured us that once it is up and running, it will be able to meet all of its prior commitments. There is no contemplation of triaging one country against other or one region against another. Once AECL gets going, it will be able to meet the requirements and the contracts that are in place. There is no issue.

Senator Tkachuk: In other words, if everything goes on schedule and we have a start-up in eight days, it is not going to take too long to get the supply going again. As I think Senator Carstairs was getting at — I just want to be more specific — is there a time period after it starts up before those isotopes are being sent out to the hospitals and sent out to their customers after day eight? Let us say it starts on day eight.

Mr. Clement: There is a ramp-up time. There is no question about that. Our experts have told us that they have a start-up triage protocol in place. Obviously, those who are most in need are first of the line, just as our health care system does on a daily basis; but no one will be denied the treatment that they need.

The fact of the matter is — this is my editorial comment — when anticipating that supply was not going to be available for several weeks, I believe that some institutions in their triaging probably kept a little bit of a supply chain available. Now that it is no longer necessary, they can replenish and it will smooth out the bumps along the way as we ramp up.

Mr. Lunn: Again, it takes three days to pull targets, an overnight cool down and then they are sent to MDS Nordian to be processed. Another 24 hours are needed for packaging, and then they go out to distribution centres.

AECL has advised me that the slowest demand time is the period between Christmas and New Year because there are fewer scheduled procedures, which will actually help to some degree.

We have made it clear for parts, for anything they need — because it is so urgent, that we want to get these back up — that government assets would be made available if it helps speed up the process. That includes expediting delivery. Right now, we are not in that situation; but we are doing everything we can to get the isotopes into the medical facilities where they are needed most. We are doing that as quickly as possible.

Senator Tkachuk: Just so I am clear, this is not a choice between an unsafe plant and a production of isotopes, and you are weighing the balance. Is this a choice between a plant that is not as safe as you would like and the production of isotopes? Or, is it a third choice — that this is it a choice between a very safe plant and the production of isotopes?

Mr. Lunn: I would argue that this is a very safe plant. You can question the engineers and experts from AECL on that subject.

• (1730)

The deputy minister and I have consulted with independent advisers and with AECL throughout this process. They characterize this as a licensing issue. There is no question that when both pumps are installed and operational, that it will be that much safer again. The number that was put out yesterday was an occurrence of one-in-50,000. That means that in the next 50,000 years, there would be one occurrence that would not be contemplated.

There are multiple backup systems. If we restarted the reactor this evening, everyone, including the technical experts at the Canadian Nuclear Safety Commission who testified last night, would agree that it would be safer in its current configuration than it was when it was operating on November 18. Therefore, this is a new condition that you are adding to the reactor. They are constantly trying to improve the standards and quality. This is a new condition to make it that much safer, but it has never had this requirement until recently.

Senator Tkachuk: Is the safety issue with regard to an earthquake?

Mr. Lunn: As I understand it, these pumps are specifically designed for an earthquake. It is a shut-down system that is seismically certified; special parts are used so that, in the event of an earthquake, they are seismically certified. That does not mean that the shutdown systems they have would not work as well. There are multiple backup systems. The difference is that these ones are seismically certified, so there was a more rigorous process for those two pumps.

Senator Mahovlich: I want to direct my question to Minister Lunn. How many earthquakes have we had in the Chalk River area in, say, the past century?

Mr. Lunn: For this requirement, my understanding is that there have been zero earthquakes.

Senator Mahovlich: We have not had a single one?

Mr. Lunn: We have not had one that matches the requirements.

Senator Mahovlich: How many tremors have there been?

Mr. Lunn: I cannot answer that, but we can make that information available to you. Regarding an earthquake to the magnitude calculated in the design factor, there have been absolutely zero. If there were any tremors, it is my understanding that the current systems would be more than capable of shutting down the system.

Senator Mahovlich: Is an earthquake our greatest fear, then?

Mr. Lunn: From everything I have learned, I do not have any fears about restarting this reactor. I would quite happily be there the entire time it was starting. I have complete confidence that this reactor is completely safe to operate, without any hesitation.

Senator Mahovlich: Being in the Senate and in committees, we do a thorough study of issues. I was wondering if you had studied Chernobyl and what happened there? Is there any comparison to what we have in Chalk River?

Mr. Lunn: No.

[*Translation*]

Senator Poulin: My question is for Minister Lunn. My question is a follow-up to that of Senator Mahovlich. We are both from northern Ontario. When we travel along Highway 17 from Ottawa to Sudbury, we always pass by Chalk River. Since we were children, Chalk River has always been an extremely important institution to the people of northern Ontario. Safety has always been on the minds of everyone up north.

Has there ever been a shutdown at Chalk River? The industry opened in the 1950s.

[*English*]

Mr. Lunn: Scheduled maintenance shutdowns happen regularly. From my understanding, there has never been an incident with this reactor. The experts that advise us tell us this is a remarkable piece of technology. Again, it would be an interesting question for you to ask the nuclear safety engineers from AECL when they come in. It was impressive to listen to them.

[*Translation*]

Senator Poulin: As the Minister of Natural Resources, you are absolutely confident that this reactor is completely safe. You have said that a number of times. What steps have you taken as minister to ensure the safety of the surrounding communities?

[*English*]

Mr. Lunn: First, we have spoken thoroughly with both agencies, the Canadian Nuclear Safety Commission and Atomic Energy of Canada Limited, and they testified before Parliament last night to receive confirmation. Both of those agencies have confirmed if we restarted the reactor today it would be as safe if not safer than when it was operating on or prior to November 18. This is an enhancement. Even with one of these backup power pumps operational, which did not occur before November 18, it would be safer.

I asked my deputy minister to bring me some nuclear experts who would give us advice. I said, "Let us not just take the word of AECL or CNSC. Let us go out and get a third party." They came back with 100 per cent confidence as well, and said the reactor should be restarted. That is what I am basing this information on. Again, the agency that is responsible for licensing also confirmed that it would be safe. This is a requirement of their licence — that is why I have not permitted them to restart because it is a licence requirement. That is how I came to this conclusion.

The Chair: I understand you have to leave the chamber. I still have three senators on my list. Ministers, we will let you know if you can come back after the vote, if you are available.

Mr. Lunn: We will return after the vote and you can tell us then.

The Chair: Thank you very much for your time.

[*Translation*]

Senator Comeau: Honourable senators, I would like to introduce you to another group of witnesses. We have Ken Petrunik, Executive Vice-President, Chief Operating Officer and President of the CANDU Reactor Division, from Atomic Energy of Canada Limited; the second witness will be David F. Torgerson, Executive Vice-President, Chief Technology Officer and President of the Research and Technology Division; and finally we will hear from Brian McGee, Chief Nuclear Officer.

The Chair: Is it agreed that we hear these witnesses?

Hon. Senators: Agreed.

The Chair: It is my pleasure to welcome you to the Senate.

• (1740)

[*English*]

We will hear your preliminary remarks and senators will ask you questions. Will you please introduce yourselves?

David F. Torgerson, Executive Vice President and Chief Technology Officer and President for the Research and Technology Division, Atomic Energy of Canada Limited: I am Chief Technology Officer of Atomic Energy of Canada Limited. With me today is Ken Petrunik, President of the Candu Reactor Division, and Brian McGee, Senior Vice-President and Chief Nuclear Officer.

On behalf of Atomic Energy of Canada Limited, I thank you for the opportunity to be here today. I have a brief opening statement and then we will be pleased to answer your questions.

In my current role, one of my responsibilities is Chalk River Laboratories and the NRU reactor. The NRU reactor is a marvellous piece of Canadian technology. I do not know of any research reactor anywhere in the world that is as good as this research reactor. It has created so much cutting edge technology, including nuclear safety technology, that we have been able to develop the CANDU reactor; we have developed the whole field of medical isotopes; we have used it to solve technical issues such as the Challenger space shuttle failure; and to explore the fundamental characteristics of matter. In the latter case, a noble prize was won for the work at Chalk River in neutron scattering.

Chalk River is the birthplace of the Canadian nuclear industry and the home of worldwide achievements in nuclear technology. Thinking back to the days when the facility and NRU was established, I marvel at the vision and fortitude of the people that made the decision to do this.

NRU creates medical isotopes for 25 million diagnoses and treatments per year. Over the last 10 to 15 years, about 250 million people have benefitted from Chalk River medical isotopes. My staff and me and the 2,500 fellow people who work at Chalk River Laboratories take that responsibility seriously.

I have every confidence in our ability to operate the NRU reactor at Chalk River safely. I am not an absentee executive. I live right in that area, and I live closer to NRU than most of the employees. I raise my children and my grandchildren there.

I am convinced that reactor has operated safely through its entire lifetime, that it operated safely up to the time of the shutdown, and that it will operate safely after the shutdown.

I believe this is the view of all 2,500 people working there. These are scientists, engineers, technicians, tradespeople, support staff — an outstanding a group of people — all working at this nuclear science facility. We have put the safe operation of NRU at the top of our priorities for many decades and we will for as long as we continue to operate into the future. Moreover, if we cannot operate the reactor safely, it will be shut down. We shall not operate any nuclear facility if we believe that it is not safe.

The Chief Nuclear Officer, who is sitting next to me today, has the full unilateral authority to order a shut down of the reactor if he believes that the reactor cannot be operated safely. I keep mentioning the word safe and safely because that is the number one priority in every decision made.

Nothing comes close to safety on the priority list. We also have a responsibility to produce medical isotopes. We take that seriously, but operating the reactor safely is the thing we take most seriously.

We will not operate the reactor under any conditions that we think are unsafe. In the matter of the bill you are considering today, I want to state for the record the following.

Atomic Energy of Canada Limited's actions have always been driven by our concern for the health of patients in Canada and around the world who need the medical isotopes that come from our facilities. This will always be done in the context of the demonstrably safe operation of NRU. We have been treating this matter with the highest priority and our employees have been working around the clock. All of our dealings with the government and the CNSC have been driven solely by our desire to ensure the safe restart of NRU.

Let me tell you where things are at this time, operationally speaking. We are pleased to report that the work on one of the pumps is complete, and the pump will be ready to go when the reactor starts up. This pump ensures an unprecedented level of safety at the NRU reactor. We are ready to initiate immediate start-up procedures at NRU should this bill pass. We can assure this committee that NRU is safe to start up and operate in this mode so that we can begin again providing Canadians and people around the world with the medical isotopes that they need.

Further, we can run NRU and begin work on the second pump, and complete the connection within 16 weeks. This would satisfy the last of the issues identified in the letter to the minister from the CNSC.

To conclude, Atomic Energy of Canada Limited has an absolute and unwavering commitment to safety. It is an excellent facility with several decades of safe and reliable operations and production of isotopes up to the time of shut down. We have produced isotopes for medical diagnostics and treatment procedures that have helped hundreds of millions of people. We are constantly improving the unit to operate ever more safely. The NRU has operated safely and is safer today than it has ever been.

Honourable senators, we look forward to your questions and thank you for your time today.

The Chair: Thank you. Does your colleague have an opening remark?

Brian McGee, Senior Vice-president and Chief Nuclear Officer, Atomic Energy of Canada Limited: Thank you, I have nothing to add at this time.

Senator Dallaire: I have been reading your titles and must say they are more complex than some of my American colleagues. Who is the boss at Chalk River?

Mr. Torgerson: I am responsible for Chalk River Laboratories.

Senator Dallaire: Are you the overall authority of that site?

Mr. Torgerson: I have the ultimate overall responsibility for the site. That is correct.

Senator Dallaire: I come from a milieu that has been extensively involved with weapons systems. We often put those systems through retrofits and upgrades. We always put them through an independent double-check to ensure that in the possibility an error, we would not have live ammunition landing in the wrong place and killing people. When the system does not work well, even though all kinds of engineers and technologists have checked it, we will identify who is responsible and we court martial that person.

My question is, if this thing does not work, are you the guy going to jail or will the government be held accountable?

• (1750)

We are talking about a nuclear facility. If I vote in favour of this bill, what is my responsibility? Will I be held accountable? Will the Prime Minister be held accountable? Will the ministers be held accountable? Ultimately, who will swing when this thing goes up, if it does?

Mr. Torgerson: The operator is responsible for the safety of the facility, not the CNSC or anyone else. We are responsible for the safety of the facility. Perhaps my chief nuclear officer can emphasize that.

Mr. McGee: As the site licence holder and the person ultimately accountable for the operation of the site and the licence facilities on that site, I am ultimately the person accountable for safety at all levels.

Senator Dallaire: Although they are held responsible if something goes wrong, the fact that we are voting on this bill means that we accept that we are going against normal procedure. What responsibility do we have when we vote for this bill and then something goes wrong? I turn to the chair with my question because the process has been a little diffused.

Once we commit to this, who is held accountable? Is it the minister who introduced this bill? Is it the Prime Minister? Who would be responsible? I end my questions to officials because my query to the chair is not insignificant. You are asking us to go against fundamental procedures and my whole education and 35 years in the army has been procedurally based. Independent double-checks are in place so that things will not happen the wrong way. You are asking senators to vote for a procedure that has a 1:100,000 chance of something happening. Is that correct?

Mr. McGee: This is one small piece of the overall safe operation of the facility. When we look at safety in this industry and most other industries like it, often called "high reliability industries," we have to look at risk on an integrated basis. My job is to do that. My job is to be accountable for that risk overall. My job is to ensure that my staff are looking at safety from that perspective. I do not think it is possible to take out this one piece and say that the decision whether the facility operates safely hinges on this one piece. My job is to go beyond compliance with the facility to take operations to a level that ensures operational excellence, which is built on a foundation of safety.

If I can explain further, we are not talking about an earthquake. Prior to upgrade, these pumps have an AC/DC power supply like a typical motor that you would see supplied from the same power system that provides the rest of us with power. They also have a battery power supply to another motor called a "pony motor" that drives them if the AC power from the grid we normally take our power from goes down. In that case, the pony motor transfers to the DC power supply, which is a bank of batteries that is supplied with a diesel generator that comes online at loss of power to supply the motor.

The upgrade we are talking about puts in place a third power supply that is seismically qualified — another independent diesel generator, another independent bank of batteries, and an automatic transfer system. If the first, or normal, power supply is lost and the first class supply, or high reliability power, is lost, then the third power supply kicks in.

The scenario we are talking about — the so-called "design basis event" — is not an earthquake on its own. Assume for a second that the first two power supplies are all they have, and the earthquake is severe enough that it knocks out the AC power and the class one power. Typically the way safety analysis goes is we do not credit any operator action so we assume that there is no one there to make things better. After an hour's time of such a scenario, noflow would go to the reactor and we would start to experience dryout of the fuels. In other words, the reactor is not receiving cooling. One hour after this earthquake has knocked out the first level of emergency power, the plant is more or less on its own because we do not credit operator action at all. A scenario that would take us to the onset of fuel dryout might happen once in 1000 years.

The upgrade we have done on pump five changes that probability, because that is the way this probability analysis works. That upgrade on pump five, given that same scenario, takes us to the odds of once in 50,000 years. When we upgrade to the final pump, it will be once in 500,000 years.

We are not talking about tremors. We are talking about an earthquake so severe that it knocks out all the normal power supplies. I hope that clarifies the situation.

Senator Dallaire: Very much so. You work within tolerances of plus or minus a micron, et cetera. During my career I worked with the acceptable minimum deviations. The figure for an artillery system is one in 5 million rounds, where all those minimum divergents we are allowed will eventually accumulate to put the system completely off. Will these minimum deviations eventually accumulate, thereby increasing the odds of the scenario occurring?

Mr. McGee: That is not an issue in this case. We are increasing our surveillance programs as part of our normal operations routines and as part of the upgrade to pump five.

The scenario you describe would not be a factor in this case. We design and construct to CSA guidelines N285 and N286, although do not quote me on those numbers because there are so many. We operate the facilities according to these guidelines and these upgrades have been designed against those bases. We are making the final quality assurance checks on installation of pump five. That is a normal practice. During that period, because these installations are complex, we ferret out any of those things that would not align with that. We either fix it then and there or we make a judgment to fix it at some time in the future, or whatever the case may be.

• (1800)

Senator Carstairs: I will support this bill, but I am not very happy, and I am not very happy with AECL. You did a routine shutdown on November 18. You were scheduled to reopen on November 22. You do not let the minister know until November 30 that you are not starting up and at that point you let him know by email. Apparently, someone made a phone call on December 3. I know December 1 and 2 were a Saturday and a Sunday, but did anyone at AECL not understand that there were thousands of Canadians and North Americans needing tests and that maybe someone at AECL should pick up a phone and let the minister know?

Mr. McGee: Thank you for your question. That is unacceptable. I can assure you that we were greatly cognizant of the impact this would have on the isotope market. The team that I have at Chalk River, the 2,500 people that Mr. Torgerson referred to are among the most dedicated. I have only been with AECL two years but my experience in the industry spans over 30 years and I have worked with many, many wonderful people. I do not think there are more dedicated people anywhere in the nuclear industry than I have met since I have joined Chalk River. They are totally committed to the safe, reliable supply of medical isotopes. They see it as a real sense of purpose.

However, the performance that you have described is unacceptable and I am accountable for that. When my organization fails in any way, you only look in one place and that is to me.

Senator Carstairs: When did you learn that you could not start up again? You did not start up on November 22. When did you actually learn that that would not be possible?

Mr. McGee: I do not have the timeline in front of me, but we held a meeting with CNSC staff on November 30. The decision to hold the reactor down was made, by my recollection, about two days prior to that. When the concern of the CNSC staff was identified to us, we immediately went into a mode of looking into what their concerns were. The indication that they provided to us was that we were not within the licensing basis of the facility at that time, and at that moment I made a decision to keep the facility in a shutdown state until while we better understood their concern, and then we went into a phase where we worked with CNSC staff to try and disposition the concerns and better understand what was required to return the reactor to service safely and reliably.

Senator Carstairs: My understanding, then, is that on November 22 you should have started up; on November 28, six days later, you meet with the nuclear safety people and they say no, you will not be allowed to start up. What happened in those six days, between November 22 and November 28?

Mr. McGee: I apologize; we were just conferring the timeline.

We did not bring the overall timeline with us. The meeting that I referred to on November 30 with CNSC staff was the one I mentioned last night that was designed to look at the safety case for the facility as well as the licensing basis. I am working from memory here because I did not bring a timeline and I apologize for that.

However, the decision to hold the reactor down was made within the normal shutdown period. If you need more detail on the timeline, we can lay it out and make it available.

Senator Carstairs: I am sitting here as someone whose husband has had seed implants, a daughter who has recently had a PET scan for non-Hodgkin's lymphoma, and I have to tell you that I find the delay to provide isotopes for that kind of thing absolutely unconscionable.

I understand that you had an extension of your licensing, which either took effect in August or October of 2006. At that time you were made aware that there were certain upgrades that were expected of you. You said a few minutes ago that one of the pumps is complete, and that is great, and that the other one will take 16 weeks. Can you explain to me why that was not done between October 2006 and October 2007?

Mr. McGee: We are currently performing what is called a root cause investigation to understand it more completely. I mentioned last night that the language around what was expected was not rigorous in terms of the correspondence that was being exchanged.

I mentioned last night that we are scanning that correspondence right now, we are intending to do a root cause investigation and to ensure independence in the root cause investigation, normally it would be done by my staff, reviewed by my senior management team and then actions and recommendations would be forthcoming from that.

In order to ensure that we have a completely transparent and objective process, I do have some of my staff on the root cause investigation, but I have augmented the team with people from two different independent companies, people with experience in the nuclear industry but independent from AECL. I have also brought in an independent reviewer to look at the root cause of the investigation, to do what we call a whole body review, and then, finally, I have augmented the senior management team that will basically accept and review the final report with other senior people within this reactor's experience.

Senator Carstairs: Let me put my final question to you. We are not talking about the family car. We are talking about a highly sophisticated nuclear reactor. It would seem to me that reasonable prudence would imply that any recommendation made, rigorous or not rigorous, would be immediately implemented so there would be a sense of comfort that this nuclear reactor — which by the way was supposed to have been replaced 10 years ago with Maple 1 and Maple 2 that still have not come along — that we would have had that comfort which we clearly do not have today.

You will get your legislation, but I have to tell you, you will get it with much discomfort from many people.

Mr. McGee: Excuse me, chair, would you like a response to that?

Senator Carstairs: I would like to know why you would think the term "rigorous" was important and why any single recommendation, rigorous or otherwise, would not immediately have been put into place?

Mr. McGee: If I was sitting in your chair, I do not think I would feel very much differently based on the information available.

When we are talking, again, about this one piece of equipment in a nuclear power reactor with a significant amount of complexity and a variety of other work, it was one piece of seven upgrades that had a series of activities associated with it, along with a licensing strategy that had many other requirements as well. That does not make it right. It does not make it acceptable.

The organization, it appears, and the root cause investigation will clarify that — to have thought that it was not part of the original upgrades, that it was subsequent enhancement work to those upgrades. Our investigation will make that more clear, but the fact that we got to that point is my accountability and my responsibility. I am very unhappy about that. However, it was not because we were not paying attention, and it was not because we did not care about it. It was a question of us not having an adequate understanding of what was expected to meet the requirements of the seven upgrades.

Senator Segal: Let me first of all congratulate Mr. McGee for the clarity with which he accepted responsibility. It has been my experience that any time a public servant or an employee of a Crown agency accepts responsibility that is the beginning of moving ahead in a constructive and responsible fashion. I am

appreciative of that because I understand, as we all do, the pressures you must be working under in this very challenging period.

That being said, is the 120 days, which is the provision of this legislation, sufficient? Are you comfortable that the 120 days will allow the requisite upgrading to be done in a fashion that does not produce a subsequent interruption in the operation of the reactor?

Mr. McGee: Thank you for the question.

The 120-day schedule is a challenge. Schedules for any sort of thing, of any construction type of activity or whatever, has its challenges, but my organization has assured me that within that period of time we can overcome the challenges adequately to perform the upgrades within that time period, in the available outage time that we have.

Senator Segal: As you indicated earlier, there was some confusion as to whether or not that second pump was required, or a suggested and appropriate enhancement to take place laterally.

• (1810)

How would you typify in a structural way, assuming good faith and best efforts on everybody's part, the working, day-to-day relationship between your organization and the regulator?

Mr. McGee: In my opinion, the working relationship with the regulator is very good. We work with them on a frequent basis. We have regular communications with them, both at the local site level as well as at the more senior levels in Ottawa. We have an open, honest working relationship, and I believe we have through this period of time as well.

The people we work with, the CNSC staff, are highly professional, highly dedicated people. I believe that we have a relationship built on mutual respect and a shared goal to achieve the safe, reliable operation of the facilities.

Senator Segal: When the decision was made after the scheduled maintenance shutdown, upon discovery that some of the licensing terms from the regulators perspective had not been met, did that come as a surprise to AECL that they were now viewing this as a *sine qua non* of reopening the reactor? Or, was that perhaps a matter of ongoing debate, as one might understand would transpire between a regulator and a regulated entity in the day-to-day operation of the complex proposition?

Mr. McGee: When the problem was first identified, my organization went in to do a technical operability evaluation, which is a technical process performed by engineers and analysts. In this case, these professionals found a difference between the physical plant and the safety analysis that was of sufficient concern to limit our ability to operate. We believe that going through that process was adequate to address the issue when it was discovered. As we went further into the process, it was clear that was not a shared view.

When people I respect in the CNSC inform me that they think we have an issue where we are outside the licensing basis for the facility — apart from the legal implications, once they make that known to me — if I were to restart the reactor, that would, I think, trigger enforcement action, but that is not my place to say. My belief is that would place me in a position where I would trigger enforcement action.

Regardless of that, regardless of the legality of the situation, when people I respect for their professionalism and their technical knowledge tell me that they believe there is a gap in my licensing basis, the only safe and prudent thing I can do is keep the reactor in a shutdown state and investigate further.

The safety of this industry is built on everyone being open to challenge. It is built on a belief that everyone in the organization and people associated with the organization can raise concerns and they are taken seriously.

Setting aside the legalities of the situation, I am trying to drive a culture of safety that takes us to world-class levels of excellence. My behaviour as a leader of the organization is constantly under scrutiny. If I, at any point, make a decision to compromise safety in the interests of any form of production, no matter how worthwhile it is, then I am really sabotaging my own organization's ability to achieve the levels of performance it can. As well, I am sabotaging my relationship with the regulator in telling them I do not respect their opinion when, in fact, I do.

Senator Segal: I want to understand this because I think it helps us understand the conundrum and the professional challenge you face in your very sensitive role. You could have decided to approve the reopening of the reactor because you had a substantive difference of opinion with those people you respect in the regulatory organization. While you might have faced the risk of enforcement you could have taken the position that because of the isotopes and your obligation to the medical community and to tens of thousands of patients, you would reopen the reactor, face the enforcement issue and then take your case to the Crown for some deliberation thereupon.

I am not suggesting that would have been the right path. I am suggesting you did have the option, as I understand your colleague to have said. Your colleague told us at the outset of your remarkable respect for the long tradition of concern for safety in your organization.

You have the capacity to order the shutdown unilaterally. I therefore assume you have the other capacity, which is to say that in your judgment, this is a safe reactor and should be operating.

You made the decision not to do that. I respect the reasons for which you did that. Does this process lead you to any other conclusions about how that dynamic might work in the future?

I ask that question because in this world of the precautionary principle, if two pumps are what are required now, it is only a matter of time until somebody says we need seven more. The precautionary principle is an endless demand for more backup, protection and prophylactic intervention in the event of.

I just wondered, because we as a body have a concern about what happens now in the relationship. Can you give us a sense of what process you will go through, based on this experience, to sort through how you and your colleagues at the AECL may deal with this in the future? If you would rather reflect on that before answering, I certainly understand.

Mr. McGee: Can I read the transcript before I answer?

Senator Comeau: Yes or no?

The Chair: Do you want to respond to Senator Segal, Mr. McGee?

Mr. McGee: I am sorry; my earpiece was not picking you up. I apologize.

When there is a question about safety, I have to disposition that to my satisfaction, and I have to rely on the expertise of others. I talked about the regulatory bodies. I come from a network in the nuclear industry where I have other support as well.

In this particular case, the root cause investigation, I believe, is going to identify several opportunities for improvement. I do not want to pre-empt that investigation. I want it to operate as an independent entity, but I believe there needed to be more rigour in the discussions and the correspondence to make sure that we clearly understood the expectations.

[*Translation*]

Senator Hervieux-Payette: Of course, as one honourable senator pointed out, this is not about a car, but when you buy a car, you get scheduled maintenance done. Some cars today, even the fairly ordinary ones, have computers that tell the owner what kind of mechanical maintenance needs to be done. In the case of this facility, the equipment is 50 years old. Moreover, it was an external body that recommended changing the pumps.

Why were these upgrades not planned for internally? Upgrading began following a recommendation from an external organization that is responsible for safety. Why did the organization not schedule the upgrades in good time?

[*English*]

Mr. McGee: Thank you for the question. Again, the root cause investigation I believe will eliminate the reasons why it entered into our thinking that these were not part of the upgrades. I mentioned last night that there is correspondence that we are going to provide, documentation that we will provide to Parliament that will show some of the answer to that question.

I will say that setting aside the licensing basis question for a minute, we have the physical plant, we have the design basis for the plant and then we have the licensing basis. In a perfect world, all three of those match. However, in any reactor facility, typically you do modifications and upgrades over its life cycle. As you do those at various points in time, you end up in a situation where the physical plant does not necessarily match the design basis or the safety case. Typically, it is negotiated between the licensee and the regulator, where you make a commitment that you will do those physical plant changes within an agreed upon period of time.

• (1820)

Setting all that aside for a second, my organization knew that these enhancements were required, even if it was not part of the licensing basis. We knew that these were enhancements that we intended to do. We were not moving them along adequately, in my opinion, in a systematic and timely fashion. I am accountable for my organization, and that is a weakness that we will address.

[*Translation*]

Senator Hervieux-Payette: What worries me is that when you decided to make the changes and delayed making those decisions, was that because of poor financial planning or poor technical planning? I cannot believe that with such a costly facility, you do not have five-year budget plans that include these upgrades. What prevented you from making that choice at the right time? Was the problem a technical one or a financial one?

[*English*]

Mr. McGee: Again, I do not want to deflect the root cause investigation, but we are getting into the heart of things that we are expecting the root cause investigation to reveal.

Not to bias the investigation, I do not see it as a recent financial issue in the last two years, or at least in the period from the time the licence was issued, so I will set that aside. In my opinion, as far as I am concerned, the funds were available to do it.

There are some technical issues associated with the upgrade that you have to work through, but that is typical of any design change.

It is work planning, not financial planning or technical planning. It is a question of inadequacy in our planning of the work and our timing the execution of it.

[*Translation*]

Senator Hervieux-Payette: Your company makes money; you produce and sell electricity. You produce isotopes. Is the revenue from the isotopes significant or minimal compared to your company's other revenue?

[*English*]

Mr. McGee: I wish to correct something: We do not produce electricity. This is not a power reactor; it is a research reactor. While I did come from the power reactor sector, we do not produce electricity, other than through diesel generators for backup power supplies to some of our nuclear facilities.

We do enjoy some revenue from the isotope stream. While it is a significant amount of revenue, it is not our sole source of revenue. We do earn revenue from our research and development work and through some work that we do in deconditioning and waste management. However, the isotope stream is a significant revenue stream for us.

Senator Kinsella: I have two questions. The first relates to the relationship between the Government of Canada and AECL. The second relates to where things are in terms of having a second reactor like yours in Canada. If the production of isotopes produces revenue and we are a net exporter, why would it not be in our imaginable interest to have a second such reactor as the one that you have?

Would you outline what you see as the relationship between yourselves and the Government of Canada?

Mr. Torgerson: We are a Crown corporation. The Government of Canada, of course, owns us 100 per cent, but we have a policy role and we also have a commercial role. My colleague sitting behind me, Ken Petrunik, is the president of the CANDU Reactor Division. That is the commercial division, which designs, develops and builds CANDU nuclear plants all over the world.

My group is the group that is more on the policy side of the research and the development side, including Chalk River laboratories. Our role is, for example, to operate the nuclear facilities, and in particular, a facility like NRU, which is a multipurpose facility. It is not only for making isotopes. It is also for developing technology. It is also a teaching tool. Most major Canadian universities have students working on NRU to learn the fundamental properties of matter. It has many roles: A medical role, a development of technology role and an educational role.

As the policy side of the organization, we provide those facilities for general use and general benefit to Canadians.

Senator Kinsella: Had the minister or the Government of Canada known at a far earlier date than they did know or apprehend what was happening, what could they have done? Is there an operational relationship where you are a Crown corporation? Do you operate in concert with the government that has the responsibility for the national public interest or do you operate in isolation? I wish to understand the nature of the sensitivity of your organization to a public interest issue that has been apprehended by the government.

Mr. Torgerson: We, of course, take anything in the national interest extremely seriously, as we do production of medical isotopes. The answer is that we are very sensitive to the requirements of the Canadian government in every area and every endeavour that we undertake.

For example, we have developed a large number of technologies that we have transferred to Canadian companies as part of government policy in the past, one of them being the medical isotope business. I will tell you unequivocally that we are an agent of the government and we carry out the government's purposes.

Senator Kinsella: To my second question of a second reactor doing the same type of work, reference was made to the Maple Leaf Reactor. If we had a second reactor in operation, we would not have the kind of crisis situation that we have because of being down for refit.

Mr. Torgerson: At one point, we did have two research reactors operating in Chalk River, and, indeed, when one reactor went down the other reactor would be able to produce medical isotopes, but these are research reactors, so they are multipurpose. Many people use these reactors. They are used not only for medical isotopes, but also for the purposes of education, fundamental scientific research and for the development of advanced technology.

With respect to having a second multipurpose reactor, many groups in Canada would very much like to see this, ultimately, to augment or perhaps some day even replace the NRU reactor. This subject has had considerable discussion in many groups throughout Canada.

Senator Banks: Mr. McGee, Mr. Torgerson and Mr. Petrunik, we are glad you are here.

• (1830)

Mr. McGee, I am glad that you are here particularly because I took your name in vain earlier in the sitting of the Senate before we went into Committee of the Whole. I referred to you when I said that you had been quoted in the House of Commons in its consideration of this bill before it came here. I said that I found it odd, or something to that effect, that we were relying on your assurances that the continued operation now of the NRU reactor would be safe, when you were a senior officer in an undertaking, AECL, that had been, and I use the word "knowingly," operating that reactor in contravention of one of its licence conditions.

Was I correct in that characterization?

Mr. McGee: We never knowingly violated the licence. Our position is, and we believe we have documentation that we can provide to Parliament, that shows that we were not in violation of our licence. I mentioned that there needs to be some strengthening of the correspondence and the understanding of what is being committed. I believe that is part of the lessons learned coming out of this.

It is clear to me at this moment, based on the information that I have and the documentation, but I am awaiting the final outcome of the root-cause investigation that we were not in violation of our licence. If it is ever proven that we were in violation of our licence, I can assure you that it was never knowingly.

Senator Banks: There are some people who think that that is a question, at least, because the instrument that is before us now is a bill that will become an act of Parliament. The ministers who were here just before you confirmed that the reason for the existence of this bill, and the necessity of its being passed urgently and becoming an act of Parliament, is so that the reactor, when it is fired up, will not be operating in violation of the law.

Do you understand that, for that to be the case, that is why we are dealing with what will become a law here?

Mr. McGee: I am not in a position to make legal judgments, but based on my understanding of the current situation, the reactor has operated safely up to and including the time of shutdown. It experienced upgrades through its recent operating history that made it continually safer through that operating period, and it is safer now, with the installation of pump 5, than ever before. I have no question about the safety of the facility to operate. Regardless of any legislation, I still have to make decisions based on the safety of the facility time at hand. I hope you would want nothing less from me.

Senator Banks: Or from anyone.

Mr. McGee: I am in a position where, with this upgrade completed, I am absolutely confident in the safety of the facility. We will continue to go through the evolution. We have surveillance programs to help us maintain that assurance. My understanding is that this is a licensing basis issue.

Senator Banks: I understand that there are two views, and I gather we will find out from the commission what their view is. Certainly, there is a view abroad that there was a question of whether or not the reactor was operating in violation of a licence condition. You suggest it was not a violation of a licence condition, that it was something else.

I have two questions that have to do with the timeline. The licence conditions, if I recall correctly, were made in August 2006; is that about right?

Mr. McGee: Again, there are a large number of licence conditions beyond the seven upgrades. The seven upgrades date back to 1993. In the period between 1993 and 2005, the upgrades evolved as part of the design change. There was a licence condition in place on the previous licence. I am somewhat foggy on the specifics because I do not have a significant amount of first-hand knowledge about it. Basically, those seven upgrades were intended or expected to be done as part of that licence condition by December 31, 2005.

Senator Banks: I used the wrong word. I should have said: Was there not a licence extension that was granted in August 2006?

Mr. McGee: The site was re-licensed in October 2006.

Senator Banks: October.

Mr. McGee: The NRU was re-licensed for a five-year period as part of that overall site licence.

Senator Banks: The first of my two timeline questions is: Whether it was a violation of a licence condition or a disagreement of some other kind as between the commission and the AECL with respect to that question, when was the first point at which you became aware of that disagreement or shortfall, whatever we would call it? You said that the licence extension was made in October 2006. When did you become aware that there was a disagreement or a conflict?

Mr. McGee: I do not have the exact date. I was on vacation. It was the second full week in November, I believe on the Monday or Tuesday, so it would probably be November 13 or 14.

Senator Banks: Until the shutdown occurred and until you found that the commission would not allow you to restart, you did not know that there was a disparity as between the operation and the licence; is that correct?

Mr. McGee: We knew that there was a need to do these, what we considered to be enhancements, but not part of the original seven upgrades. It was work that we believed we could execute during the licensing period. Our intent was to complete the work sometime in the next 12 to 14 months. As I have mentioned, I was on vacation. I received a call from my staff, indicating to me that this issue had arisen. We discussed it and we agreed that the appropriate response would be to bring it into the technical operability evaluation process to see whether or not, out of that process, there was a real operability concern.

Senator Banks: I am sorry to re-plough old ground, but I will re-ask Senator Carstairs' question because I did not quite understand the answer.

You would have learned that there was some kind of problem, disparity or disagreement by November 22 or something like that. On November 18 the reactor was shut down and by November 22 you knew it would not start up again. We heard that the government was informed of this somewhere around November 28 or 29. Senator Carstairs asked you what happened during those six days, between the time you learned that you would not start up again, at the beginning of that period, and the time that someone informed the department that there was a problem. What was happening during those six days?

Mr. McGee: A great deal. We immediately performed modifications to pump 5. Recognizing the staff's concern, we immediately went into the modification process associated with that pump. We began a new documentation review, we began to work on the safety case for single-pump operation and we began to review the licensing basis. There was a large amount of activity and a huge effort on the part of my team back at Chalk River.

Parallel to that, there were ongoing discussions with Canadian Nuclear Safety Commission staff to see where we were with the situation. I had a meeting with some of my senior people and senior CNSC staff during which we discussed the situation.

A meeting was held on the morning of November 30. I was not part of that meeting. It was a director or general manager-level meeting, with supporting staff, where they went through the safety case that we had developed to operate with one pump. In the opinion of CNSC staff, there were many issues that they wanted us to go back and address and to do further analysis or deal with their concerns in some form. In the afternoon of that day, we had another meeting with them to discuss the licensing issue. We believed that we were on track and should be heard before the commission. That was indicated to us that before we could go to the commission. We thought we understood the feedback that we were getting from Canadian Nuclear Safety Commission staff. We documented what we thought we heard, and we have exchanged that information and made sure we were on the right track with their expectations for the safety case. We understood out of that meeting that two things had to happen. We had to disposition their concerns and take it to what we understood to be called a risk-informed, decision-making process including senior Canadian Nuclear Safety Commission staff within their organization, which would probably be about a seven or eight day wait before we would get access to them because of various other regulatory issues that they had. Then, pending the outcome, we could schedule a hearing and put our case before the commission. As we understood the situation that meeting would be held in January.

• (1840)

When we received that feedback, we began to work on it. I had discussions with some senior CNSC people and confirmed our understanding of the feedback, not exact timelines but rough timelines. At that point, if the objective was to place the facility back into operation safely and reliably, it became clear to me I could get there faster by doing the upgrade to both pumps than by going the commission-hearing route. As a result, we carried on with pump five and made a decision that we were going to do pump four, although they are serial activities because you have to

have at least one of those pumps available while you are in the shut down stage as well. We could only make one unavailable at a time, so it became serial activity, hence the long timeline.

Senator Banks: These two pumps were things that were never part of the system included in that that reactor before?

Mr. McGee: These pumps have always been part of the reactor, as far as I know. They are part of the reactor cooling system. Of the eight reactor cooling pumps, four have AC power.

Senator Banks: I am asking you the question because we heard earlier from the ministers that the pumps in question are brand new, were never there, that are upgrades and were not ever required, as I understood it, to operate the plant.

Mr. McGee: I do not want to speak for the minister, but as I heard his testimony in the waiting room, what I heard him say and what the situation is, these are enhancements to those pumps to give them that third power supply I referred to earlier.

Senator Banks: So far as you recall, it did not occur to anyone during those six days to call the department, to call the government, to notify the minister?

Mr. McGee: I did not contact the minister, and communications of that sort is my responsibility; that is a shortcoming on my part.

Senator Banks: Did anyone suggest it?

Mr. McGee: I do not recall anyone suggesting it, but there was a lot of activity at the time so I would not want to say no one did absolutely.

Senator Grafstein: Mr. McGee, I thank you for your testimony and your candour. Candour is important when we are dealing with the public interest and public safety. I do not question your good faith, and I do not question your energy or your commitment. I really want to question the system, and I mean the government system. Perhaps are you not the best one to answer, but if you can, it would be helpful. Before I do that, I would like to ask a financial question of Mr. Torgerson.

We have heard now that if a system breaks down, there is no redundancy. We do not have another pump. All of us are now taught that even it is telecommunications, we need a redundant system. If the telecommunication system goes down, there is now a process of providing a redundant system when it is an essential service.

What is the cost of an additional reactor that would provide pure redundancy so Mr. McGee would not find himself in the problem he has, which is to keep it going while he is repairing it?

Mr. Torgerson: I believe that to replace a reactor like NRU, which is, in my view, if not the world's best research reactor, pretty darn close to it, the number would probably be several hundred million dollars.

Senator Grafstein: That is not a huge figure. I though you would be giving me a number in the billions.

Mr. Torgerson: I was close, senator. I said several hundred million.

Senator Grafstein: Several hundred million or billion?

Mr. Torgerson: Several hundred million.

Senator Grafstein: Is that $200 million or $300 million?

Mr. Torgerson: I would say that to replace the NRU reactor it would be closer to $800 million.

Senator Grafstein: How long would it take to do that? If in fact the ministry decided today to provide for redundancy, how long would it take to get it up and going?

Mr. Torgerson: I would suggest it would take something like eight to 10 years.

Senator Grafstein: Is there any plan you know of to provide a redundant service in the next decade or so?

Mr. Torgerson: We have had discussions with the National Research Council of Canada, universities and other stakeholders over the years on the possibility of replacing NRU with a new multi-purpose reactor. To this date, we have not been able to proceed beyond the conceptual stage of how the funding structure would work for such a major scientific project.

Senator Grafstein: Is that not clearly the responsibility of the ministry?

We have been told in this chamber that there is new mantra in Ottawa, accountability. Let us talk about accountability. I assumed, based upon reading your act that the person responsible to Parliament for the activities of your organization is the minister, having in mind that you are a Crown corporation and one-step removed from direct direction, but the minister can direct you through a number of mechanisms. For the moment, without getting into that, the minister is responsible for the question of redundancy. I know you are having debates with your stakeholders and with the operators and with your research people, but at the end of the day, getting back to Mr. Harper, Mr. Harper believes in accountability, so is not the minister responsible for the lack of accountability, for redundancy, with a precise date? This is the new mantra. This is not mine. I do not buy it. I am just echoing what I have heard from the other side.

Mr. Torgerson: That kind of expenditure comes down to the policy of the government. This is obviously not a ministerial decision. Many other ministries would have stakeholders in such a facility.

Senator Grafstein: Is it a cabinet decision?

Mr. Torgerson: I am not an expert in the decision-making process. I do not know how it would be handled.

Senator Grafstein: You get my point. Somewhere, someone has to be responsible for something. I take it that if you start by saying it is very difficult, and we have heard Mr. McGee struggle with the problem that he has to fix the situation, with a number of oversights which we will get into in a moment. However, at the

end of the day, for long-term planning or short-term planning, there should be a redundancy plan ASAP, and particularly if it will take a decade.

Mr. Torgerson: Again, you are asking me a policy question. Should there be two multi-purpose research reactors in Canada? I cannot answer that in terms of the policy.

Senator Grafstein: Fair enough. Let me go back to the question of accountability and deal with it in the terms that we have been lectured to by this government. We have been lectured by this government that to be accountable, you have to be able to source out the responsibility and you need to have set up a system of accountability. We spent the better part of some months here with a new accountability bill, which many people say is overly protective and complicated.

Let me make it simple. We have the minister. We have a Crown corporation. Do you have a chairman of your board?

• (1850)

Mr. Torgerson: Yes.

Senator Grafstein: Do you have board members?

Mr. Torgerson: Yes.

Senator Grafstein: Did you inform the board members or chairman of this problem?

Mr. Torgerson: The chairman was aware of the issues. I do not know how the communications to the board were handled.

Senator Grafstein: When was the chairman informed and what did the chairman do?

Mr. Torgerson: I do not know that information.

Senator Grafstein: Based on simple corporate governance, the chain of command is pretty straight forward. Going back to what Senator Dallaire said, Mr. McGee has a problem, he confronts it as best he can and he reports it up the chain. Who did he report it to? Did he report it to you? When did you become aware?

Mr. Torgerson: Mr. McGee reported to me that there was an issue with the CNSC with respect to the licensing basis of the reactor.

Senator Grafstein: That came later. Based on the examination by Senator Carstairs, that came on November 28 or 30. This problem became evident around November 22. When were you informed of the problem?

Mr. Torgerson: I believe I was informed that the outage would be extended at some time during the outage. That is my recollection.

Mr. McGee: I cannot say specifically when I notified people, but the notification of an event on my site of any sort is my responsibility. The shortcomings and the notifications to people are my responsibility.

Senator Grafstein: I understand that, Mr. McGee. My question is: When did the person you report to, which I assume is Mr. Torgerson, know about the problem? Whether it was a regulatory or a mechanical problem, when did Mr. Torgerson know?

Mr. Torgerson: I believe it was when we became convinced that the Canadian Nuclear Safety Commission had a position stating that if we started up the reactor, we would be outside our licensing basis. I was informed at that point.

Senator Grafstein: Was that on or before November 28?

Mr. Torgerson: It was before November 28. I would say November 22. It must have been, because the scheduled outage went from November 18 to 22, so it must have been within that time frame.

Senator Grafstein: Therefore, between November 22 and November 28 when the government was advised, was the chairman of the board and the board of the Crown corporation informed of a problem? If so, did they meet? Did they discuss this problem?

Mr. Torgerson: The chairman of the board was aware of this problem. The board was updated but there has been no meeting of the board between this particular event and today. The board did not meet, but I believe information has been given to the board on this subject.

Senator Grafstein: I am attempting to understand this situation. We have a Crown corporation who, by law, is accountable and independent. The Government of Canada legislation invests in that board and in the chairman of that board independence from the government, with a responsibility for fulfilling their mandate, which is to ensure a culture of safety, as Mr. McGee said.

I do not quarrel with that. I am questioning what the board was doing. Were they only pieces on a chess board that were not in play?

I want to address the question of accountability here. My understanding is that corporate governance is not complicated, regardless of whether it is a private or public company: A board is established, it is responsible to its master for breaches and, therefore, the board must take responsibility, as well. It takes responsibility before the minister. That is before we come to the minister; we have not dealt with him yet.

Mr. Torgerson: There is no doubt that the board takes its responsibilities seriously.

Senator Grafstein: They did not take them seriously here. They had no meetings. They did not discuss this problem, other than being informed on a one-to-one basis.

Mr. Torgerson: The board has periodic calls, organized by the chairman, in which the chairman communicates with the board. Unfortunately, I do not know what communications took place between the chairman and the board members. I have no knowledge of that.

Senator Grafstein: I find it curious that the board did not deal with this problem as an urgent matter, as any other public board would do if there was a suggested breach of regulations.

Mr. Torgerson: The board has been aware of this matter, and we have updated the board when we have our telephone calls with them. The board obviously has concerns over this issue.

Senator Dyck: My question regards the relationship between safety and licensing. We heard earlier this evening from the ministers that the facility is safe, and that it is safer now than it was prior to being shut down.

I believe Mr. McGee outlined the various levels of fail-safe mechanisms: various numbers of pumps, a battery system if the AC power goes down, a system in case of a minor earthquake and another for a major earthquake, et cetera. How do those mechanisms relate to the licensing requirements? When you made the decision not to restart the reactor, does the licensing requirement indicate that, from the licensing perspective, the reactor was not safe? How does that relate to your definitions of safety?

Mr. McGee: The licence is not specific in that regard. It refers to the seven upgrades. It is not specific to that level. That is not uncommon of licensing basis documentation. It refers to a lot of other documentation. Licensing basis documentation can be huge, in fact, and so the licence itself talks about the seven upgrades. Actually, the appendix talks about the seven upgrades but it does not specifically talk about the composition of those seven upgrades.

Senator Dyck: Sorry, I did not catch the last part of your statement.

Mr. McGee: It does not specifically define the detailed scope of those seven upgrades. Each of those upgrades is a complex design system, and so it talks about them in general terms as a system.

Senator Dyck: In terms of licensing, are safety considerations taken into account in defining whether the facility should be licensed or not licensed, or what types of upgrades the facility needs?

Mr. McGee: That is correct. That is the way it works. The safety analysis is part of the design basis of the facility, and the licensing basis.

Senator Dyck: When you made the decision not to restart the reactor, what is the definition of safety from your perspective versus the licensing agreement? Are they concurrent or are they different?

Mr. McGee: I want to give you an answer without delving into a lot of unnecessary detail.

• (1900)

In a perfect situation, there is a complete match between the physical facility and the design basis and licensing basis. Maybe I can use a metaphor. Someone buys a new car. Typically, the tires that come with it are part of that design basis for that facility. They have done all the engineering and design work associated with that car and how it will handle. A lot of us go to Canadian Tire when the tires wear out and put a different type of tire on the car.

In the nuclear world, at that point, we have gone outside our design basis. It does not necessarily mean that it are unsafe. Those tires may be as good or better as the original ones, but they are outside the design basis. What is different in the nuclear world is we go through a change control process.

If we think about that car being licensed by someone somewhere, if they have made those tire changes and not gone back to make them match again to the licensing basis, they are outside their licensing basis.

Senator Dyck: Yes, I think I understand that analogy, but my question then would go back to nonetheless you have made the decision not to restart the reactor. Is the basis for that decision, then, not one of safety but of another concern? Is that what you are saying?

Mr. McGee: That is correct, but it has safety implications. I had total confidence that the reactor operated safely until the time of shutdown. I was still confident that it could operate coming out of the outage, but when the CNSC staff identified a gap and believed we had a gap in our licensing basis, it is incumbent on me, again for the reasons I talked about earlier, I must disposition that and go through a process where I satisfy myself, and ultimately satisfy them and other stakeholders, that it is safe to operate. When that gap is identified to me, there is not a do-nothing option for me.

Senator Dyck: There is not a?

Mr. McGee: A do-nothing option. I must act on that. To be responsible, I must act on that information. Until I disposition it, I have to accept the professional judgment.

Senator Dyck: At that stage, when you made that decision then, are you saying that you felt there may have been safety concerns and at this point in time there are not safety concerns?

Mr. McGee: At the point in time that I made that decision, we had already gone through our technical operability evaluation that I referred to earlier. We were confident the reactor was safe. However, we still had the licensing issue to disposition. If I had proceeded to start up, as I mentioned earlier, I am confident that action would have attracted enforcement attention.

Senator Brown: Mr. Torgerson, we are dragging you over the same ground over and over again. To simplify what this chamber needs to know to pass the bill that allows you to start this reactor again, I believe comes down to what my colleague was asking. It is simple; it is a two-part question that I believe you have answered but I would like to hear the answer again.

It seems like this reactor has been shut down for over two weeks, not because anyone believes it is the least bit unsafe. Is that correct?

Mr. Torgerson: We do not believe the reactor is unsafe, not a bit unsafe.

Senator Brown: The second part of the question, then, for us to reach a level of comfort in which we can pass this bill that would allow you to start up this reactor is that it is simply because it was out of compliance with all the upgrades and such that were technically required. Is that true?

Mr. Torgerson: This is the view of CNSC staff. As you can see, it is not necessarily the view of the AECL staff.

Senator Brown: I wanted to clear up those two things. So many of my colleagues here tonight have expressed the view that we need to pass this bill and we will pass this bill, but we need to reach a level of comfort. I believe that is what you have been striving to do ever since you came here, along with the ministers as well.

Senator Downe: Which agency, CNSC or AECL was responsible to advise the government of the problem?

Mr. Torgerson: I will not speak for the CNSC, but I believe that if there are any communication issues, then I think it was incumbent upon AECL to communicate these issues to the minister.

Senator Downe: The ministers, when they were here, indicated AECL and the second agency, the CNSC, were both responsible, but it is your view that you have the primary responsibility?

Mr. Torgerson: As I say, I cannot speak to the CNSC, but I know what our responsibilities should have been.

Senator Downe: Were you involved in or consulted in drafting this bill?

Mr. Torgerson: I did not see a draft. I did not see the bill until I arrived in the House of Commons yesterday and it was sitting on my desk.

Senator Peterson: To sum up, AECL feels confident that starting the reactor is safe. The ministers have told us it is probably safer now than before to start the reactors. From a safety perspective, does the regulator agree with this view?

Mr. Torgerson: I believe that the regulator was asked the question: "Is the plant as safe as, or safer than, when it was shut down, November 18." What I heard the regulators say was, "Yes, that is correct." I think that they would agree that the plant is as safe as, or safer than, when it was shut down.

Senator Peterson: There are other issues then with the regulator but not from the safety aspect. Is that what you are telling me?

Mr. Torgerson: I do not know whether they have other safety issues. They would need to answer that.

Senator Peterson: Are there other issues not necessarily related to safety? From the safety perspective, is the regulator satisfied that it is safe?

Mr. Torgerson: You need to ask the CNSC that question. I do not want to speak for them.

Senator Comeau: They are the next witnesses. Ask them.

The Chair: Thank you, gentlemen, for taking time to come and help senators with this bill.

Senator Comeau: That last question leads us right into the people who can probably respond to the last question. We now have, as our third panel, Linda Keen, President and Chief Executive Officer of Canadian Nuclear Safety Commission; and Barclay Howden, Director General of Nuclear Cycle and Facilities Regulation, Canadian Nuclear Safety Commission.

If honourable senators agree, we could invite these witnesses to come in at this point.

The Chair: Is that agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

The Chair: I am pleased to welcome Linda Keen and Barclay Howden to the Senate. I invite each of you to make an opening statement.

[*English*]

Linda Keen, President and Chief Executive Officer, Canadian Nuclear Safety Commission: Good evening, honourable senators. Thank you very much for inviting us today.

I would like to start with an opening statement. I am pleased to meet with you here today to talk about the important role that the Canadian Nuclear Safety Commission plays; that is, to assure Canadians that the health, safety and security, and the protection of the environment is done under our legislation. This proposed legislation was given to us by Parliament in 2000. The Nuclear Safety and Control Act created the Canadian Nuclear Safety Commission. I will specifically address the situation of the NRU.

• (1910)

I begin today by talking about my personal commitment to the health and safety of Canadians. The CNSC does understand the seriousness of the shutdown of the NRU reactor. We do understand that this resulted in a shortage of radioisotopes. We regulate all the hospitals and clinics in Canada that use these radioisotopes, so we are in contact with these facilities. We did our part, as we are allowed to under the Nuclear Safety and Control Act, to help these hospitals and clinics to get licence amendments to use different procedures and to import as they could.

As I said, the Canadian Nuclear Safety Commission was created by Parliament in 2000, but nuclear substances and facilities have been regulated in Canada for over 60 years. This was new, modern legislation put in place by the government to meet modern standards. In fact, our legislation is often used around the world as a model of good nuclear safety legislation.

There are over 2,500 licensees in Canada, and we regulate them all. They include uses for mining, refining, power reactors, research reactors, clinics and industry. One could argue that this is the broadest mandate, along with the responsibility for non-proliferation and ensuring safety and security in Canada.

I emphasize that Canadians are the only client of the CNSC; we work for Canadians. There are no nuclear facilities in Canada that are not regulated under the Nuclear Safety and Control Act, and this has been the case for many years. Nuclear regulation is a federal responsibility and there are no provincial regulators in place to back us up on these important matters.

I assure the Senate that the CNSC is made up of very highly skilled, competent and dedicated nuclear scientists and engineers, like Mr. Barclay Howden, who has over 26 years of experience in this field. We are proud to support their judgment, their competence, their professional qualifications and their values and ethics. The staff at the CNSC are nuclear experts.

As the leader of the CNSC, I have been entrusted with the obligation to fulfill this mandate under the act. The commission is a quasi-judicial administrative tribunal, and sometimes tribunals are called the cousins of the court. The CNSC is nonpartisan, is a court of record, and has a long history of regulating nuclear facilities.

Our members are appointed for their expertise. They are scientists, engineers, business people and dedicated servants of Canadians. I am a scientist.

The commission has a brand new, recently appointed member, whose confirmation I received today. Dr. Ronald Benil is a medical doctor from New Brunswick. I spoke to him today, and he is excited about joining the commission.

As I say, at the beginning of every hearing, the commission is independent of all influence. It is independent from political, governmental, private sector and non-governmental organizations. We do not have an economic mandate. We do have the important mandate of the health and safety of the facilities, but we do not have a mandate for the health consequences of their use.

As a quasi-judicial administrative tribunal, the commission must act within the specific authority and powers given it by Parliament. We cannot move outside the Nuclear Safety and Control Act. This mandate was broadened as of December 11. Yesterday the commission received a Governor-in-Council directive issued pursuant to section 19 of the Nuclear Safety and Control Act directing the commission to take into account the health of Canadians who, for medical purposes, depend on nuclear substances produced by nuclear reactors.

The commission will review this directive and will give it due consideration in future licensing actions. The commission is well placed to understand the need for balance of issues in executing its mandate because we regulate both nuclear facilities and hospitals. The commission currently balances health, safety, security — which has been very important since 9/11 — and the protection of the environment in a risk-informed decision making process.

The commission has received a copy of the tabled legislation, Bill C-38, and if it becomes law we will act according to it.

I will now address the NRU. The commission had serious concerns regarding the safety of this 50-year-old nuclear reactor when its former licence was close to expiry. When the commission considered the licence renewal application in the spring of 2006, it seriously questioned the safety of this reactor. Its decision, which is published with reasons, was effective August 1, 2006.

The granting of this licence, confirmed in the reasons for decision that we have with us today, was based on specific assurances by AECL that its safety case was complete and that the seven key safety updates were complete. This is recorded in the reasons for decision.

As has been discussed earlier today, on November 19, during a safety inspection by on-site staff and staff from Ottawa, it was discovered that a significant safety upgrade to the reactor had not been carried out; specifically, the connection of the emergency power supply that you have heard about today to ensure emergency backup to the other system upgrades. We are prepared to talk to you further about this.

This would have been a violation of the operating licence, but the reactor was down. It is our understanding that upon discovery of this non-compliance, AECL announced voluntarily its decision to shut down the reactor to connect these two critical pumps.

It is important to emphasize that the commission did not shut down the reactor in November. The staff discussed their findings with AECL staff and AECL management chose to keep the reactor shut down.

This may seem like a technicality, but it is not. We think it is important for companies to take account of the safety of these reactors and to take the action that they believe is right, because they are in charge of the safety of this facility.

We asked AECL to come to a pre-announced commission meeting on December 6 due to what we call a significant development report. This is the way the commission staff puts forward concerns about an incident at any of the facilities. These significant development reports are put on the agenda of the commission meetings, which are open to the public. A transcript of the meeting is available and the commission keeps minutes of it.

The commission and CNSC staff are committed to expediting the resolution of health and safety matters.

• (1920)

We talked last night to members of the House about the fact that the commission had been willing, in this exceptional circumstance, to move from a 60-day requirement to post the information to allow interveners and communities to read what is being suggested to one day. We were willing to expedite this, but we cannot expedite safety. The commission staff would have had to review the safety case and make a judgment.

Again, I reiterate our personal interest and commitment, my personal interest and commitment, and that of the commission members who I talked to today about this incident, and my personal appreciation of the importance of this issue to the medical community.

We would be pleased to answer the questions of any of the senators on this important matter.

Senator Carstairs: Thank you and welcome to both of you.

Let me begin by referring to your own opening statement in which you said that, before you granted the extension of the licence in August 1, 2006, you had identified seven safety requirements.

When did you anticipate all of those safety requirements would be met?

Ms. Keen: I would ask that Mr. Howden start with that question, and then I will speak from the commission's point of view.

Barclay Howden, Director General of Nuclear Cycle and Facilities Regulation: Honourable senators, for this situation, you would have to go back to the early 1990s, when AECL made a decision to undergo a series of upgrades for the NRU reactor to bring it up to modern safety standards. Within that was the seven safety upgrades.

With regard to the timing of putting those upgrades into service, they had been delayed over time, but, ultimately, AECL declared them in service on December 31, 2005, in preparation for relicensing in 2006.

When the licence renewal was brought before the commission, the decision of the commission was that the licence could be renewed with the upgraded NRU reactor in operation with the seven upgrades in service. From a staff perspective, the expectation was that the upgrades were serviceable on that particular date, namely, August 1, 2006.

Ms. Keen: I reiterate that that was the recommendation of the CNSC staff. We questioned AECL at the same time and we had interveners. The reason for the decision for this licence renewal — let me make it very clear — was that the commission believed that those seven safety areas were essential and that they were in service.

These are interrelated and integrated safety upgrades. They do not stand alone; they need to be done together. The one that we are talking about today was integral to the safety of the other six. It really was seven together.

Senator Carstairs: Just so I am absolutely clear, AECL began upgrades or identified the need for upgrades in the early 1990s. Before they applied for the renewal of their licence, they indicated that, as of December 31, 2005, these upgrades were done. When you granted them the extension of their licence in August 2006, it was with the understanding that they had completed these upgrades. Is that what you are telling me?

Ms. Keen: That is correct.

Senator Carstairs: In a safety inspection on November 19, 2007, you then discovered that these upgrades had not all been completed?

Ms. Keen: Yes. I will turn to Mr. Howden, but it was the very specific seventh upgrade that we are talking about that was not completed.

Mr. Howden: Yes, it was the seventh upgrade, the emergency power system. One of its purposes is to provide power to the other upgrades. One of the important things is that the NRU reactor requires its main heavy water pumps to be operating at all times. Part of the upgrades was that this final connection to the main heavy water pumps would be done. It was our view that this was an integral part of the upgrades and that it needed to be completed. In November 2007, our inspectors were reviewing some documentation at the reactor which had suggested that, perhaps, the upgrade had not been connected. They entered into discussions with AECL to confirm whether or not this was the case. Eventually, it was determined that this final connection had not been made. I believe you are aware of the rest of the timeline.

Senator Carstairs: Did they provide the CNSC with an explanation as to why it had not been completed?

Mr. Howden: The explanation that they had provided was that they felt that this particular connection was not part of the upgrades but was an enhancement to the upgrades. The licensing basis that we had been operating under, which is based on documentation and discussions dating back to 1993, was that this was an integral part of the upgrades. Therefore, when the commission issued the new licence in August 2006, this was part of it.

We also were using the declaration by AECL at the end of 2005 that all the upgrades that were in service were indeed the case, with the understanding that this connection was part of the upgrades.

Senator Carstairs: The Canadian Nuclear Safety Commission has safety concerns. They express those safety concerns to AECL. AECL informs them that those safety concerns have been met, and so you extend the licence until 2011. You then discover, however, that those concerns have not been met.

What is your sense of the safety of this reactor?

Mr. Howden: There are two important points: Safe operation versus risk to safety. Those are very important to keep in mind with many of the things that people are saying.

"Safe operation" means that the reactor has operated safely, that it has not suffered any accidents or incidents that have been significant enough to overcome any of the defence in-depth barriers of the reactor's systems. The defence in-depth was described by AECL, where you put in many different barriers so that if you have a failure or a weakness of a barrier, there is another barrier. From an operational standpoint, this is good and is something that we consider.

The other factor that we consider is risk to safety as it relates to the reactor's ability to withstand an accident that has certain likelihood to occur.

In the case of the NRU reactor, the reactor is vulnerable to certain events because some of its original safety systems were not designed to withstand these events. Thus, they may not be available when needed during an event. This is the fundamental reason that AECL undertook the upgrades: To bring reactor up to safety standards and to provide robustness to ensure that the reactor can survive accident conditions.

In this particular case, seven upgrades were put in place, including the emergency power system, which is intended to provide uninterrupted power to the reactor's two critical main heavy water pumps. These pumps are critical for safe operation. Thus, the emergency power system is critical for safe operation, in the event of an external event, such as an earthquake. You are talking about an external event occurring. This was the licensing basis for the reactor. However, in November 2007 this connection had not been made.

Without this connection, there was a likelihood of approximately one in 1,000 that a seismic event could cause damage to the reactor core. Please recognize that these numbers are approximations. This is the same number that Mr. McGee provided to you earlier.

The licensing basis for the reactor, which is intended to provide protection for people in the environment, was to have the emergency power system connected to the two critical pumps to bring the reactor up to acceptable international norms. As you are aware, the nuclear industry strives to have the likelihood of these events as low as reasonably achievable, with a target of one in 1 million in the case of a serious accident. This is the international norm that I am speaking about.

The licensing basis was aimed at bringing the entire reactor operation as close to this norm as possible. Mr. McGee provided some numbers to let you know that with two pumps, it does approach this norm.

• (1930)

The situation is that AECL has hooked up pump number 5 to the emergency power system, and my staff was on site reviewing it. They were there today. They are also proposing a "time at risk" argument whereby, with this connection, you can operate for a limited period of time and that the risk would be acceptable. Their proposal is one pump is time at risk. Up to this point, we have been reviewing the facility to ensure that the pump is connected correctly. Initial indications are that it has been done well and that the safety case to run the pump and the whole reactor is acceptable, as well.

We have been reviewing that from a due diligence perspective. We do have a regulatory document which is called "Safety Analysis for Non-Power Reactors" which describes what is expected in a safety analysis. It is based on international standards, worked on by the International Atomic Energy Agency, and it talks about what you have to do. Quality assurance of the robustness of the safety case is one of the most important things that must be ensured. We have been working on making sure that safety case is robust. That is what we have been doing to assure ourselves that it is safe to go forward with one pump if Atomic Energy of Canada Limited chooses to go forward with that.

Senator Carstairs: The Minister of Natural Resources indicated to us that he was, I think, disturbed and even angry that neither AECL nor the Canadian Nuclear Safety Commission had informed him in a timely manner that this reactor had been shut down and not restarted.

What do you believe to be your responsibility regarding informing the minister if a reactor is not operating?

Ms. Keen: CNSC is an arm's-length agency from the government. We regulate all the power reactors as well as research reactors. These reactors, as was described, do go through shut downs for maintenance on a normal basis. All the power reactors as well as the research reactors in Canada are older, so they go down for regular maintenance quite frequently.

Unless there is a significant development that needs to be brought to the attention of the commission we do not inform them. This is a normal operation of the Canadian Nuclear Safety Commission staff. Normally, they do compliance. We have people at all reactor sites and they undertake these communications. What we require in guidelines is that the companies inform the communities if there is a significant issue. This is part of our guidelines for public information by the licensees, as well.

Therefore, we would put up the significant development report on the website. We would inform people for a meeting and inform everyone that there was a significant development report to be discussed, and that the report was available. It is a two-page report that we do. We quite often get people from communities or groups that are worried about this come to meetings. It is available as a transcript and put on the Internet. There are minutes from the meeting available. That is what we have been doing.

Certainly the Canadian Nuclear Safety Commission would be prepared to look at this further, but our responsibility would then be for everyone, not this reactor specifically. We would have to re-look at the policy. We have not had any specific requests, but we certainly would be prepared to look at that.

Senator Carstairs: Your short answer would be that your operating systems would not indicate to you that you should inform the government when a reactor which is producing medical isotopes and therefore in great demand across the country is not operating. It would not be your responsibility, but rather the responsibility of the operation of the reactor?

Ms. Keen: Yes, that is correct. During the blackout and the security issues around 9/11, it was the company that informed the owners of what was at issue. This included boards of directors, the government or whoever was the shareholder. We have had a number of events. That would be our understanding.

Senator Poy: Thank you very much for your presentation. I am glad you are here because for the last two hours before you arrived we have been hearing about how safe it is to start the reactors again.

We have been given the responsibility to pass this bill due to the need for medical isotopes. Am I correct in saying that the seven upgrades are not completed at this point?

Ms. Keen: That is correct. As discussed, six are done. There are two pumps required. As Mr. Howden said, one pump has been connected without a complete analysis. As the AECL said, the other pump has not been connected. That is what they would do during the 120 days.

Senator Poy: If they can do that in 120 days, why had it taken so long to the point that you had to shut them down?

Ms. Keen: Just to clarify, we did not shut them down; they kept the reactor down themselves. However, that is a question best answered by AECL.

Senator Poy: How fast can the seventh step be completed? Perhaps that is not within your realm of expertise.

Ms. Keen: I believe that AECL did address that. It would be AECL's responsibility to set the timelines. The Canadian Nuclear Safety Commission is results-based, so the period of time would not be specified. It would be based on how safely the connection was completed. We would be measuring whether it had been safely done, rather than measure by time. This is a matter for Atomic Energy of Canada Limited.

Senator Poy: Am I correct to say that August 1, 2006, was when you informed them that these upgrades had to be completed to renew the licence?

Ms. Keen: In fact, the commission received testimony over a period of time. The final licence was given in August, but the commission had public, two-day hearings where AECL and the staff made recommendations. When the licence was issued, we were reflecting what we understood was the commitment made by AECL. It was not for them to start to put the upgrades in place. Our understanding was that the upgrades, as Mr. Howden had done, were committed to. That is in the reasons for decision of that licence, which is publicly available.

Senator Poy: Mr. Howden mentioned a seismic event. Aside from a seismic event, what other accidents can happen?

Mr. Howden: There are a number of different accidents that can occur. There are things called "loss of coolant accidents" in which pipes break, cooling is lost and you need emergency core cooling. There are also loss of regulation accidents where the control system does not function properly and the power goes up at an uncontrolled rate. In that case safety system action is needed. There are loss of flow accidents, which means you have not lost the coolant but the flow has stopped flowing across the fuel rods. That is actually the primary accident of concern we are talking about tonight. Any number of other accidents can be caused by various things. They can be caused by internal problems, like failure of systems. They can be caused by operator errors or by external ones.

Our view of the situation is that when AECL undertook the seven upgrades, they focused on two things: First, the prevention of accidents; and, second, if an accident occurs, the mitigation of it. The purpose was to make the reactor much more robust. The intention was for them to work as a unit along with the systems that already existed beforehand so that if there was an event, the reactor would be robust enough to withstand that event, such that there would not be releases of nuclear substances to impact people.

• (1940)

What we are looking at from a design basis is that with this final connection, the reactor would meet the licensing basis that is expected and would be safe to go forward, "safe" meaning it meets international standards of expectations for safety.

Senator Poy: Are you saying that the 50-year-old reactors will be up to modern standards, or is it only international standards?

Mr. Howden: International standards are considered modern standards. The recognition is that with old reactors, when they are refurbished or upgraded, the goal is to bring them as close as possible to international standards because it is not always easy to retrofit an old design. However, the focus is making sure that whatever level it is brought up to, the risk posed to people and the environment is reasonable, and that is done through safety analysis and then, good judgment by professionals. Our opinion, with this reactor, when we recommended to the tribunal portion of the commission back in 2006, was that with the upgrades in place the reactor was safe to go forward into the future.

Senator Poy: Am I correct that if we were to pass the bill tonight, it is a huge leap of faith, depending on what happens to the seventh upgrade?

Ms. Keen: It is important that we do not give a sense that there are not a lot of safety systems in this reactor. A great conversation is often, "What is safe enough?" What we are trying to do is reduce the risk to an acceptable level that Mr. Howden said has been designed.

If you take the reactor before any upgrades were done, move forward to the fact that six upgrades were done, plus one of the pumps, it is safer than it was. I would not call it before August; I would call it before the year 2000. In our view, the agreement was that we were aiming for a safety envelope that was all of this, and that was the agreement that AECL had. That would be the modern standard, and we would like to be able to tell Canadians that this reactor is up to modern international standards.

[*Translation*]

Senator Nolin: At the end of your statement, Ms. Keen, you said that you had read the bill and that you agreed? Did I understand that correctly? No? That is not what you said?

[*English*]

Ms. Keen: No, what I said is that the CNSC is respectful of Parliament, and it is respectful of the right of government to make acts, put bills into order, and if the government decides to put this bill into order, the CNSC will follow the rule of law of the government.

We were not presented with the act. The act is the act of government in terms of decision. I pointed out to the House yesterday that it is unprecedented. We are talking about 180 days, but it is unprecedented to have a facility have a component without regulatory control; therefore, no, but I wish to be respectful of Parliament and if Parliament decides to do that, we will obey the rule of law.

We are a creature of Parliament. The Nuclear Safety and Control Act creates us and that is one reason we follow the law there, too, so we are respectful of that.

[*Translation*]

Senator Nolin: Let us be clear. We have to evaluate the risks and weigh the pros and cons. There are two issues before us: medical isotopes and bringing your safety levels up to international standards.

You will understand that the scales are strongly tipped towards the availability of medical isotopes, especially since Canada supplies medical centres in Canada and throughout North America.

You know very well that this pressure will lead us to vote in favour of this bill.

I understand your hesitation in saying that you support the bill, but according to the act which established your agency, you are responsible for overseeing nuclear safety with respect to atomic energy in Canada.

Are we making the right decision in passing this bill?

[*English*]

Ms. Keen: I have respect for the Senate. I have respect for the House. The moves that have been made over the last two days have sought to inform, first, the House and now the Senate as to the issues at play in terms of the risks.

We believe that the situation, as Mr. Howden has expressed it to you, is that we have sought to put before you our point of view as to the risk so that you can make a risk-informed decision.

The view of the commission would be that we would much prefer that all facilities were under regulatory control, including the connections to the pump, which will be removed in this act, and it is only by being under that control that we can assure Canadians. We take that control seriously. I go out to communities often, and I spend time with mayors, boards, citizens and groups, and I must be able to stand up in front of those groups and say, "You know what? I and my staff are doing everything we can with all the knowledge we have and with international norms to keep you safe by the regulator."

Clearly, we will not be in that situation of being able to assure, but I will assure you that we will be on that site. We are on that site; we will be on that site; and, we will be looking at the facilities. However, the government's bill has specifically said to us that we are not to be involved in the regulation of this part of it. It said that we are, by this bill, removing you from that responsibility.

The government has then said that they will have AECL resume that responsibility and the government. I cannot say I agree that it is good to be outside the act, but we respect Parliament and we respect the rule of law.

Senator Moore: Can I ask each of you to put on record your qualifications and your experience, please?

Ms. Keen: I am a professional chemist. I have a bachelor's degree in honours chemistry, a master's degree in food and agricultural sciences, both from Alberta, from my native province. I have about 35 years of experience in science and in management of science, which I performed in a number of areas. I came to the Government of Canada, and I have been with the Government of Canada since 1986, until my appointment by the Governor in Council, so I was a bureaucrat in the government. In Agriculture and Agri-Food Canada, I was the director general of agriculture in the Prairies.

• (1950)

I then moved to Industry Canada and became an assistant deputy minister in mining, where I did material science and ran the Can-Med laboratory. I am a scientist. Those are my qualifications and that is my background.

Mr. Howden: I graduated from Queen's University in 1981 as a chemical engineer. I am a professional engineer. My first seven years of work was at AECL at Chalk River in the NRU reactor. I left AECL in 1988 and worked for three years in private industry, providing nuclear safety services to industry.

I joined the Canadian Nuclear Safety Commission in 1991, initially responsible for emergency preparedness at the commission. I went on to work as an inspector and then a project officer within research facilities, which dealt with facilities like this. I was the director of the Uranium Facilities Division, which is responsible for regulating uranium mines and fuel fabrication facilities. I was the director of the Research Facilities Division, which takes care of all research reactors in Canada.

As the director general, I am responsible for regulation of the front end of the fuel cycle, which includes mines, mills, conversion plants, fuel fabrication and the back end of the fuel cycle, which is decommissioning and waste management, as well as large nuclear facilities, including Chalk River and all the research reactors in Canada.

Senator Moore: I was interested in the line of questioning of Senator Carstairs with regard to the timing of events with respect to this re-licensing. Has this happened before? Have you had an application before from AECL for a licensing or re-licensing and gone back and found that things that were made conditions of the re-licensing had not been completed pursuant to your direction? Has this sort of thing happened before? If so, how did you handle it? What did you do with it?

Mr. Howden: The commission has issued licences where we have had to do follow-up on various issues. None of those occasions was as significant as this, with the exception of one issue, the licensing of the Maple reactors at the Chalk River site, where the reactors were licensed based on a certain safety case. The facility then underwent initial commissioning and it was found during the commissioning test that the reactors were not operating as designed. At that time, AECL again voluntarily shut down the reactors in order to investigate the issues related to that.

That process continues today. AECL has been conducting a number of tests on this reactor to try to determine the causes of the issue that they are trying to deal with, but that was an issue where an unexpected finding came forward after a licence had been issued.

Senator Moore: This was a finding that your commission discovered?

Mr. Howden: No, in that particular case, AECL ran through their commissioning tests and then compared the commissioning results against the expected results, and found that there was a deviation between the two. Of course, there was a significant amount of technical discussion back and forth with us, but Atomic Energy of Canada Limited, recognizing that they had a safety issue with those reactors, voluntarily kept the reactors shut down. We have been working with them to go forward on regulating them as they try to rectify the problems with those reactors.

Ms. Keen: In general, that is what happens in the nuclear industry. These are big companies that want to be seen as good safety companies. In the vast majority of cases, they take action themselves. That does not mean that that is not reported to the commission. As I mentioned, when there was a significant issue, as we have had, for example, in a number of areas, including the Maple reactors, that would come before the commission. The commission would know about it. However, unless they were violating their licence, we would not be, for example, issuing an order or taking a compliance action. We prefer them to do it themselves.

Senator Moore: In the situation of the Maple reactor that they are working on, does AECL notify the appropriate minister of the condition of that reactor? Is that something that they do on an ongoing, updating basis, would you know?

Ms. Keen: That would be a question best posed to AECL. We would not perform that notification.

Senator Moore: At the time of 9/11, did AECL notify the appropriate minister?

Ms. Keen: At the time of 9/11, I was in charge of CNSC and I brought all the facilities together. We made a risk assessment and we moved forward to put in place a vigorous set of security areas. I brought the CEOs of all the power reactors together, as well as AECL, and said: Let us look at what will have to be done. We looked at international standards and we moved forward.

Senator Moore: Did you give that report to someone?

Ms. Keen: I was asked at that time by the government security committee to brief the government, but it was my responsibility under the act to order those. I was informing them because it was a national security crisis. We needed to involve CSIS and the RCMP. In essence, they understood that I was accountable for requiring the security upgrades, and I did that.

Senator Comeau: Honourable senators, this is to give you an update as to what we are facing for the rest of the evening. I think it is important for all of us to understand the time constraints we face. If we wish to have Royal Assent this evening, the table officers would have to leave here at 8:30, at the latest, in order to be able to reach the Governor General for her signature. This is not meant in any way to attempt to slow down the debate. However, given the importance of the bill to all of us and to Canadians, I wonder if I could ask the indulgence of all honourable senators.

We have a list of questioners now that would put us way over the time constraints that we are facing. I am wondering if all honourable senators would pass the information to the Clerk to be able to reduce the number of questions so that we can meet our deadline. I do not know whether I am asking this as a kind of time allocation, but I suppose that is what it would be, so that we could get this bill through tonight.

Senator Tkachuk: I wish to understand the timeline. Am I correct that on December 31, 2005, you were assured that the seven safety upgrades were completed?

Mr. Howden: Yes, that is correct.

Senator Tkachuk: My understanding is that the licence was granted in August 2006; is that correct?

Mr. Howden: That is correct.

Senator Tkachuk: How did the agency know it was completed? Did someone go down there and check it?

Mr. Howden: Within our compliance program, we have had ongoing oversight with the connection of the upgrades. With the declaration on December 31, 2005 of in service, we accepted that as a fact. In February-March, 2006, the CNSC conducted an audit on the upgrades at NRU. It was a broad-based, high-level audit that looked at high-level documentation.

• (2000)

Through that audit we did not find any evidence that this was not connected at that time. With that in mind we went forward and made the recommendations to the commission that this was done.

Our site staff does much more in-depth inspections. They were doing one of their routine inspections in November 2007. During that process they found some documentation that, in their view, suggested that perhaps the connection had not been made. It was not definitive. They had discussions with AECL over a couple of days, and finally the confirmation was received that this final connection between the two pumps and the emergency power system had not been made.

That was the timeline. We have looked at our due diligence. We started doing lessons learned because the question we are asking ourselves is should we have caught that earlier.

Senator Tkachuk: Are you telling me there was no oversight up to the time of December 31, in the sense that there were no people on the site? Then there is no one checking between January 1, 2006 and August, when they received their licence, nobody bothered to check, they just took their word for it. Are you an oversight agency or what?

Ms. Keen: As Mr. Howden said, first we started out with the assurances of AECL. I wish to make this clear, that the act and the licence requires that the company put forward that they have done this work. We have this work on the requirements on record. Then what takes place, we do have staff on site, and in fact the commission ordered the staff to put staff on site. We did not have this a couple of years ago because we felt that there was significant oversight needed of this facility.

This was during this period when we were putting staff on site. We start always at a high level of enforcement and looking at the compliance area. If you discover something in terms of looking at the quality management program and those kinds of things, if you find that there are some discrepancies, then you start working your way back down into the details of this.

When the reactor is in a shutdown state, as it was in November, this is an opportunity to do some very in-depth work. This really is an opportunity that does not arise all the time to do this.

As Mr. Howden said, the commission, when it heard about this SDR, the significant development report on December 5, the commission has requested that the staff do a lessons learned to find out exactly what happened here and what we could do better.

Senator Keon: I am satisfied from what I have heard that upgrade 7 will be met and that the current NRU will be pronounced safe until 2011.

What really concerns me are the difficulties with Maple 1 and Maple 2. As you stated, you are a regulator for Canada only. My concern relates to beyond 2011. There does not seem to be anyone in charge of any kind of global backup if the system goes down again to supply the medical needs of isotopes for Canada.

I realize that is outside your jurisdiction, but it is within your jurisdiction to start looking down the road as to whether the current NRU or Maple 1 and Maple 2 supplements can supply the isotopes within your safety regulations.

Ms. Keen: The question is, with a 50-year-old reactor, the CNSC was concerned even on this last licence if it could make the upgrades. The record will show that we extended the licence a number of times to allow them to get to these upgrades. We understood that we were shutting down the source of isotopes if we shut down the NRU.

Therefore, the commission really took very hard decisions, even to extend the licence a couple of times before all these upgrades were done. We have licensed the reactor for this five-year period and we require updates to the commission regularly on how it is doing.

The question of what will happen in the future is such that the commission has continually — when the AECL has requested any kind of licence discussion of Maple — put that on a priority list to discuss. The commission has continually made sure that it is being responsive in terms of the requests from AECL; but as you note, this is not within our jurisdiction to look at the future of any part of the energy area, and so that would be outside the Nuclear Safety and Control Act requirements.

Senator Trenholme Counsell: It is very good to have our honoured guests here. Thank you very much.

I trust that this question has not been asked before. I am not sure because I was out for a short time. I am very worried about whether this is a political discussion or a scientific discussion. I could go on with that line of thinking, but I just want to preface what I will say by the following: It seems to me that I have heard from our guests, the experts here, that they are being told to resume operations. It would not be their choice, but when I read this bill I see in clause 1(1) says "may resume . . . continue the operation . . . for a period of 120 days . . . despite the conditions," et cetera, but then in clause 1(2), "may resume and continue the operation . . . only if it is satisfied that it is safe to do so."

Are you being commanded or told to do this? Are you giving permission, if you choose to go beyond what is considered safe, or is the decision yours? When I listened to you a little while ago, it seemed to me that you said that you would do this if Parliament told you to.

Ms. Keen: It is important to clarify. The bill specifically talks about Atomic Energy of Canada in terms of this. We are the Canadian Nuclear Safety Commission. The bill neither talks about us taking this action to resume it, nor does it talk about what we would do in terms of the operation.

We are not involved in this bill. Atomic Energy of Canada Limited is involved in this. We are the safety regulator, which, in fact, would be not involved in the oversight of the pumps in this specific area. I would just clarify that.

Senator Trenholme Counsell: You are involved in the safety, but clause 1(2) says only if "Atomic Energy of Canada Limited" and ". . . continue the operation of the National Research Universal Reactor" — well, you are not that — ". . . only if it is satisfied that it is safe to do so." Who decides the safety?

Ms. Keen: I am not a lawyer; I am a scientist, so you would have to ask for that.

However, I think the bill makes it clear that Atomic Energy of Canada Limited is cited as making the decision, and the CNSC would not be involved in that decision.

Senator Andreychuk: I want to make a clarification. You indicated that if the bill passes then your role is limited and your job here tonight was to tell us what the risk would be of that. If I understood, you said you were respectful of our role. Our role is to weigh all the risks; the medical risks to Canadians as well as perhaps some risk if you do not do your regulation. Am I correct on that?

Ms. Keen: Yes, you are correct. The role of the CNSC is on the safety side in terms of this facility and the regulation. Our role is not to get involved in the decision about supplying radioisotopes. It is to assure you that it is safe.

[*Translation*]

The Chair: Ms. Keen, Mr. Howden, on behalf of all honourable senators, I want to thank you for the information you have provided to help us in our work on this bill.

• (2010)

[*English*]

Honourable senators, is it agreed that we move to clause-by-clause consideration of Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River?

Hon. Senators: Agreed.

The Chair: Shall the title stand postponed?

Hon. Senators: Agreed.

The Chair: Shall clause 1 carry?

Hon. Senators: Agreed.

[*Translation*]

The Chair: Shall clause 2 carry?

Hon. Senators: Agreed.

The Chair: Carried. Shall the title of the bill carry?

Hon. Senators: Agreed.

The Chair: Carried. Is it agreed that this bill be adopted without amendment?

Hon. Senators: Agreed.

The Chair: Adopted without amendment. Is it agreed that I report this bill without amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole, to which was referred Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River, has examined the said bill and has directed me to report the same to the Senate without amendment.

[*English*]

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Gerald J. Comeau, (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO STUDY CANADIAN ENVIRONMENTAL PROTECTION ACT AND RECEIVE PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 11, 2007, moved:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to undertake a review of the *Canadian Environmental Protection Act* (1999, c. 33) pursuant to subsection 343(1) of the said Act;
>
> That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and
>
> That the Committee submit its final report no later than February 29, 2008.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

COMMITTEES AUTHORIZE TO MEET ON MONDAYS DURING ADJOURNMENT OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 11, 2007, moved:

> That, pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages, and National Security and Defence, as well as the Special Senate Committee on the Anti-terrorism be authorized to meet at their approved meeting times as determined by the Government and Opposition Whips on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding a week.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), with amendments and observations), presented in the Senate on December 11, 2007.

Hon. Joan Fraser moved the adoption of the report.

She said: Honourable colleagues, it is my duty under rule 99 to explain the amendments that your committee has proposed to Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), and I shall try to do so as succinctly as possible.

This bill, as its title suggests, addresses a number of areas, but the amendments that your committee adopted concern only two of those areas. The first is the rights of accused persons to trials and other parts of the judicial process in their own official language, that is, minority language rights before the courts.

The first amendment we recommended in this connection was to clause 18. Currently, when a person appears before a judge unrepresented by a lawyer, the judge must advise that person of his or her right to a trial in that person's minority official language, or indeed majority official language.

Bill C-13 proposed to broaden this protection to provide the same information to all accused regardless of whether they are represented by a lawyer. It also proposed, however, that the judge be not personally required to provide that information, but that the judge be required simply to ensure that the information had been provided.

In significant part because of carefully reasoned advice from the Barreau du Québec, your committee has restored the present system whereby the judge advises the accused of their right to a trial in the language of their choice.

The second amendment is to clause 19, and is a very small linguistic amendment. It adjusts the English version very slightly to ensure that it is exactly the same as the French version. The French version says "les passages" of certain documents — informations, indictments, et cetera — that are not in the official language of the accused shall, upon request by the accused, be translated for that person. The English version says "any portion," which might have led to some ambiguity. We have recommended amending the text so that it reads "the portions," plural, which is an exact reflection of the French text.

Further, two amendments were largely drawn up in the light of a very compelling brief by the Barreau du Québec — properly, since it represents Quebec — concerned about the effect this bill may have, directly or indirectly, intentionally or unintentionally, on the rights of anglophone Quebecers before the courts in Quebec.

I am sure all senators know that in Quebec, for 140 years, if not more, the rights of the anglophone minority before the courts have been absolute. If you are an anglophone in Quebec and you find yourself in the toils of the justice system, you get a trial in English. The judge, the prosecutor and everyone else speaks English in order to guarantee the accused full and perfect minority rights.

This is, unfortunately, not the case in other provinces of Canada for francophone minorities. Little by little over the years we have been expanding the range of rights of francophone minorities. However, of course, every time you codify something, a bureaucrat somewhere may say, "I only have to do what is required in the code."

The Barreau du Québec was concerned that, as we move forward with this bill, legislative requirements that represent a real and significant advance for francophone communities in provinces other than Quebec and New Brunswick, might one day be translated by a zealous or cost-cutting bureaucrat into a diminution of the rights now enjoyed under the wonderful practice in the Province of Quebec.

There is no evidence that this is about to occur. No one has said it is about to occur, and there is no evidence of it at all. The people representing the Barreau were very clear that they were not saying that danger is imminent. They did, however, fear the creation of a climate as time went by.

Your committee decided to recommend two changes. First, in order to give parliamentarians an informed basis for understanding what happens as time goes by, we recommended an amendment to require the Minister of Justice to report annually to Parliament on the number of orders granted for trials in minority languages, the number of trials that are actually held in English in Quebec and in French in the other provinces. Those statistics would be required in the report from the Minister of Justice.

• (2020)

We made a following amendment, namely, that three years after this act comes in to force, a review of the provisions of this part of the act should be undertaken by Parliament. That is, after three years we should have some firm data to indicate what the evolution of practice is, and to be able to reach further judgments on the basis of that data.

We believed that was the appropriate way to respond to the serious concerns raised in an admirable brief from the Barreau du Québec. Those are our amendments as concerns the minority language rights of the accused.

Another amendment was presented by the government. I will try to explain this amendment; it is complicated. It relates to section 255 of the Criminal Code, which concerns the sentencing regime for impaired driving offences. There has been ambiguity in the way the Criminal Code now addresses this matter. It is possible to infer, from the way the Criminal Code is now written, that there are real oddities in the way the sentencing regime works so that, for example, convictions for impaired driving causing bodily harm, or even death, might receive a lower sentence than convictions for simple impaired driving. This situation was clearly not the intention of the legislators when that section of the Criminal Code was written.

Bill C-13 contains an amendment to make it clear that the same sentencing regime applies to all the offences listed in section 255: so far so good.

However, we have before us at second reading in the Senate, Bill C-2, which will add, if it is passed in its present form, more offences to the list in section 255, which would conceivably lead us back to a similar ambiguity to the one I previously described. Therefore, the government proposed amendments to the effect that if Bill C-2 comes into force before this bill, then this bill will

be amended to ensure that all the offences under section 255 will be covered by the sentencing regime. Some consequential renumbering and whatnot are required.

I should tell you, honourable senators, another part of the government's proposed amendment would have had the effect of amending Bill C-2, which is now before this chamber. Your committee, upon reflection, thought perhaps that was not the way to go, namely, to use Bill C-13 to amend Bill C-2 when Bill C-2 was not approved yet in principle in the Senate. Therefore, that portion of the amendment was withdrawn on a motion by members representing the government side. I therefore think that the package of amendments now before you is entirely appropriate within the traditions of the Senate.

We also made a number of observations, which are attached to our report and which we consider to be important. They concern, in particular, the special situation of Aboriginal people before the courts, and the need to address their needs as well, particularly in the training of specialists and lawyers in Aboriginal languages. We also called for more training of defence personnel and other judicial personnel in French outside Quebec.

Finally, we tried to allay concerns that were raised by one group of witnesses regarding the possible extraterritorial application of clause 5 of this bill, which concerns the gaming industry in particular. We are satisfied, upon assurance by, among others, Senator Oliver and the minister, that this concern is not the effect of this bill. Therefore, we made that view plain in our observations.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Senator Comeau: We have time on our hands right now. What about right now?

Senator Fraser: At the next sitting, please.

Senator Comeau: At the next sitting.

Senator Carstairs: Nice try. No cigar.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Comeau, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings). —(*Honourable Senator Andreychuk*)

Hon. Jerahmiel S. Grafstein: Honourable senators, I wish to speak to this matter briefly.

This matter has been on the Order Paper for more than two years now. It has been seized by the other side for some months. I understand that Senator Andreychuk wants to address it. Can she give me some indication when she might address this matter so we can refer it to committee? She may recall that within the previous Parliament it passed second reading and was then referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Grafstein and I talked about this item earlier this afternoon. There are two bills that Senator Grafstein is interested in moving forward — this one as well as one that we will look at later on, namely, the bill about turning water into food.

I have indicated to Senator Grafstein that we would probably deal with the water into food bill —

Senator Oliver: The loaves and the fishes.

Senator Segal: Water into wine!

An Hon. Senator: It is Christmas, not Easter.

Senator Comeau: I am playing to a tough crowd here tonight, and we have not even been to the bar yet!

Senator Banks: Speak for yourself!

Senator Comeau: Regarding the water bill, I think we are extremely close. As soon as we come back — if we have a prolonged adjournment — we will deal with it almost immediately.

On Bill S-210, dealing with suicide, I would like to discuss it more with Senator Andreychuk. I would say that it is not too far into the future. We are seriously looking at speeding up this bill and sending it to committee.

Senator Grafstein: If this is an undertaking to proceed with the bill as soon as possible when we return, the matter has been before the Senate. It received second reading without division, and the bill has not been changed. In the meantime, there is tremendous pressure from public citizens of all parties to support this

particular bill. I have been inundated with requests, as you are, to proceed with it. I hope that we would have an undertaking from Senator Andreychuk, who understands this issue, to deal with this matter as quickly as possible.

I do not think it is reasonable, frankly, to hold up a bill. Let her speak to it, and then I hope that the Senate will opine, and then I will take the decision of the Senate after we have heard her speech. I do not think we should hold up this bill. She will have four weeks now to think about it.

• (2030)

I have presented a long and lengthy speech which the honourable senator can comment on or oppose. Let us move forward and have a vote.

On motion of Senator Andreychuk, debate adjourned.

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Chaput, for the second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).—(*Honourable Senator Comeau*)

Hon. Yoine Goldstein: Honourable senators, I understand that Senator Tkachuk wishes to deal with this matter in the immediate future. Am I correct about that, honourable senator?

Hon. David Tkachuk: I am not sure what he honourable senator means by "immediate future." I think early February should suffice.

Order stands.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).—(*Honourable Senator Cochrane*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before Senator Poy takes the floor, I wish to suggest the following: Given that Senator Cochrane has not made her comments yet, that we reserve the 45 minutes for the critic of the bill.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Vivienne Poy: Honourable senators, I wish to speak briefly in support of Bill S-209, an Act to amend the Criminal Code, by repealing section 43 of the Criminal Code which allows for the corporal punishment of children.

Section 43 of the Criminal Code became law in 1892 and is based on English common law that permitted the corporal punishment of wives, servants, apprentices and children. To date, children are the only group that remain subject to this outdated form of discipline.

If you hit an adult, it is considered assault. Why is it acceptable to hit a child? As Senator Hervieux-Payette has indicated, the Standing Senate Committee on Human Rights, of which I am a member, has examined this proposed legislation exhaustively and is fully in support of this proposal.

Our committee has done a considerable amount of work in examining Canada's international obligations with respect to children's rights. We concluded that section 43 violates the United Nations Convention on the Rights of the Child, which Canada ratified in 1991. Article 19 of the convention mandates the protection of children from all forms of physical or mental violence, injury or abuse.

In its reports to Canada on its implementation of the convention, the United Nations recommended that Canada remove section 43 from the Criminal Code. Honourable senators, we are ignoring our international obligations.

Today, no child development expert would recommend hitting a child as an acceptable form of discipline. Almost 200 organizations in Canada have asked the federal government to repeal section 43 of the Criminal Code. Most of these groups work directly with children who have been abused. They understand the negative impact that corporal punishment has on children, families and society as a whole. Recently, the Regional Municipality of Peel, Ontario, passed a resolution for its repeal, as well. Even Health Canada advises parents that: "It is never okay to spank a child. It is a bad idea and it does not work."

Canadians support an end to corporal punishment of children. According to a national survey conducted in 2003, most respondents supported the repeal of section 43 and many did not even realize that corporal punishment of children was still legal.

Canadians are ready for this change since most parents and teachers already deem striking a child to be a totally unacceptable form of discipline. As Senator Hervieux-Payette has emphasized, children raised in households where violence is the norm are more likely to copy these patterns with other children through bullying. As adults, they are more likely to see violence as an acceptable response to problem resolution.

Parents and teachers are our primary role models. Is this the kind of behaviour we want to model for our children? Should we not be teaching them how to communicate, understand and respect others as well as to have self-control?

Having raised three sons, I have never believed that corporal punishment was an effective way to discipline them. Boys can be difficult, but striking a child is disrespectful to that child. Beyond the physical harm inflicted, I believe children are psychologically hurt when their parents strike them. Although the consequences of such harm are sometimes difficult to measure, I believe many troubled adults in our society are suffering from their parents' or teachers' abuse of their trust.

Senator Hervieux-Payette has listed many countries that have banned any form of corporal punishment of children. It is difficult to believe that Canada, a country with a record of advocating peace throughout the world, still allows corporal punishment of children. We need to teach future generations that violence is unacceptable for problem resolution. Repealing section 43 is a step in the right direction.

Honourable senators, the tragic death of a 16-year-old girl this week speaks for itself. Corporal punishment must be eliminated as a form of discipline so that parents, guardians and teachers understand that it is unacceptable in Canada. I appeal to honourable senators to support Bill S-209.

On motion of Senator Comeau, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Day, for the second reading of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water). —(*Honourable Senator Cochrane*)

Hon. Jerahmiel S. Grafstein: Honourable senators, again, I seek an undertaking from the Deputy Leader of the Government in the Senate that this matter will be expedited as soon as we return.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes, this item will be expedited.

Order stands.

ACCESS TO INFORMATION ACT
CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Grant Mitchell moved second reading of Bill S-216, An Act to amend the Access to Information Act and the Canadian Wheat Board Act.

He said: Honourable senators, I wish to have more time before speaking to this item. I believe there is something else I need to say, but at this time I am not prepared to do so.

On motion of Senator Mitchell, debate adjourned.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Campbell, for the second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171). —(*Honourable Senator Tkachuk*)

Hon. Yoine Goldstein: Honourable senators, I understand that Bill C-298 has been adjourned in the name of Senator Tkachuk. We have already had the pleasure of hearing from Senator Di Nino on the other side. Does Senator Tkachuk intend to address this bill shortly?

Hon. David Tkachuk: Honourable senators, I will speak to this item in the immediate future.

• (2040)

Senator Goldstein: Honourable senators, is the "immediate future" defined as the honourable senator defined it earlier?

Senator Tkachuk: Close to it, Senator Goldstein.

[*Translation*]

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, for the second reading of Bill C-293, An Act respecting the provision of official development assistance abroad.—(*Honourable Senator Di Nino*)

Hon. Roméo Antonius Dallaire: Honourable senators, I move second reading of Bill C-293.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Dallaire, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.

[*English*]

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

On Other Business, Reports of Committees, Item No. 1:

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry, entitled: *Livestock Industry*, tabled in the Senate on December 11, 2007.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I know it has been a long night, but I thought I would put some zip into it by giving you the latest information that we have in our Standing Senate Committee on Agriculture and Forestry on the issues of cattle and pork.

This is important to discuss because there is a significant amount of concern across this country and we have just completed our report. I put presented the report in the Senate yesterday, and I will just say a few words about the situation in our industry today.

This fall, a series of factors has been kicking in at the same time to the point that we are now talking of a perfect storm hitting the livestock industry. Farmers are resilient, and the beef and pork industries are used to price volatility marked by hog or steer prices falling sometimes below the cost of production.

However, this year the situation has been quite different. Grain prices, which have steadily declined for the last decades, made a spectacular recovery at the end of 2006. Feed prices increased by more than 40 per cent by the end of that year. While that was very good news for our grain farmers, it has become a cruel situation because of the impact on other agricultural sectors.

Grain prices, however, are only one part of the equation. In fact, livestock producers need a strong grain production base, and grain prices would not be a problem if there was a corresponding rise in livestock prices.

On the contrary, livestock prices have been falling drastically. At the same time, the Canadian dollar rose from 85 cents to $1.10. Since most agricultural commodity prices are set on a North American basis, every time the Canadian dollar rises the equivalent amount is taken away from the revenue of livestock producers. Rising energy costs have also led to increased input prices, and those combined elements have put farmers in a tight situation regarding their liquidity.

To address the situation, the committee has asked for an immediate cash injection, which would take the form of an interest-free loan to address the cash flow squeeze. Money needs to be available as soon as possible, since many farmers, particularly those in the hog industry, are already being forced to close their businesses. Our livestock producers know more than anyone else how sensitive our friends to the south can be when it comes to agricultural trade. An interest-free loan would minimize the potential for countervailing action from the United States.

The livestock industry exists in a North American market. That means that any differences between the United States and Canada in regulation or access to a third country market can have huge competitive disadvantages. That is especially true in this time of high value of the Canadian dollar. The committee, therefore, made two recommendations that will help to narrow the competitive gap between the Canadian and the American livestock industries.

Canada's federally inspected meat processing plants currently face additional regulatory costs relative to their American counterparts. For example, Canada's enhanced ruminant feed ban, which means the prohibition against specified risk materials, or SRM, in all of the animal feed has cost Canadian packers an additional $23 million per year, two to three times the cost estimated by the government.

These requirements do not exist in the United States, which puts Canadian packers at a disadvantage. The government has already put in place a program, cost-shared with the provinces, to help packers with the additional capital investment needed to comply with regulations. However, the program does not cover ongoing disposal costs, which puts Canadian packers at a real disadvantage relative to U.S. packers. The committee has, therefore, recommended improving the funding of the current program to cover the ongoing cost of the disposal of the SRMs for the next two years.

Another disadvantage faced by the Canadian industry is the unequal access to some third-country markets. Witnesses indicated to the committee that the United States has recently been successful in concluding a trade agreement with Korea to cut some of its tariffs on pork and beef, which gives U.S. producers a real competitive edge.

Therefore, the committee has recommended the establishment of a new trade directorate whose mission would be to focus on special market access agreements for Canadian livestock and meat products. To do this, the directorate would combine funds and personnel from CFIA, Agriculture and Agri-Food Canada, and International Trade Canada.

As tough as the situation currently is, I do not wish to sound overly pessimistic. Some major markets, such as China, are opening up, and meat demand will increase in the long term. The level of investment in the Canadian livestock industry in recent years has built solid foundations for the future, and we can count on Canadian farmers to produce internationally recognized products to meet this increasing demand.

Therefore, it is the committee's conviction that these recommendations will help the livestock industry to be part of this future.

Finally, honourable senators, I happened to be in the other place this afternoon and was listening to their Question Period. The Minister of Agriculture was being asked some pretty vigorous questions on possible help at this time of the year. It is always tough for people who produce pork as well as the other meat sector. Gerry Ritz, Minister of Agriculture and Agri-Food and Minister responsible for the Canadian Wheat Board responded

that he had full support of the Prime Minister as we move forward to address agricultural crises in this country. He said:

> I have had tremendous discussions with the pork sector and with the provinces. I have another federal-provincial call tomorrow morning. I am meeting with the pork producers tomorrow. We have put $600 million of new federal money only into play that will be delivered to this sector in January.

• (2050)

Honourable senators, that is good news for the pork industry and we are hoping, as time moves on, there will be a similar kind of support for the cattle industry, which is indeed in deep trouble in this country.

Thank you very much for your patience.

Hon. Pierrette Ringuette: I have a question, if the honourable chair of the committee will kindly answer.

I commend the committee for putting forth this report and being energetic in regard to the agriculture problems, and recommending solutions to this house and to government. However, I highlight the fact that in the last 18 months, Canada and its forest industry has been losing jobs by the thousands. Will the committee undertake, when it resumes after the Christmas break, to look into the forestry sector issues with the same energy as in agriculture, because they are doing a great job.

Senator Fairbairn: I thank the honourable senator for the question. Obviously, I cannot give an answer to that question without the support of our fine Standing Senate Committee on Agriculture and Forestry, co-chaired with me by my friend Senator Gustafson across the way. We will put this issue before our colleagues. As the honourable senator can see by what I have been talking about tonight, we have been in bad situations, frightening situations, in the last month in these particular areas of which I have been speaking. There seems to be a pocket of light that is shining at least on the pork folks, and now we must see if we cannot twist it over a bit to the cattle. I will certainly draw this matter to the attention to our colleagues in the committee.

Senator Ringuette: Honourable senators, I highlight again that maybe there is a small pocket of light in the sector that you were looking into. However, I stress that there is absolute darkness in the forest industry.

On motion of Senator Gustafson, debate adjourned.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 12, 2007

Mr. Speaker:

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 12th day of December, 2007, at 8:36 p.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Wednesday, December 12, 2007:

An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River (Bill C-38, *Chapter 31, 2007*)

[*English*]

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights (budget—study to examine and monitor issues relating to human rights and inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations—power to hire staff and to travel), presented in the Senate on December 11, 2007.—(*Honourable Senator Munson*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights (budget—study to monitor the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*—power to hire staff), presented in the Senate on December 11, 2007.—(*Honourable Senator Munson*)

Hon. A. Raynell Andreychuk moved adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Human Rights (budget—study to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met—power to hire staff), presented in the Senate on December 11, 2007.—(*Honourable Senator Munson*)

Hon. A. Raynell Andreychuk moved adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Human Rights (budget—study on Matrimonial Real Property—power to hire staff), presented in the Senate on December 11, 2007.—(*Honourable Senator Munson*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:

That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that the motion be amended by deleting all words after "MAY IT PLEASE YOUR EXCELENCY:" and replacing them by the following:

We humbly pray that Your Excellency will continue to exercise Her lawful and constitutional duties and summon qualified persons to the Senate of Canada, upon the advice of the Prime Minister which has been the practice since Confederation.—(*Honourable Senator Oliver*)

Hon. Tommy Banks: Honourable senators, I rise to propose a subamendment to the amendment that is before us. I move:

That the motion in amendment be amended by deleting all words after "Canada," and replacing them with the following:

thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.

• (2100)

Hon. Gerald J. Comeau (Deputy Leader of the Government): I have a point of order.

Honourable senators, this amendment attempts to get this chamber to adopt a motion that requires the Governor General to take an action, which is against the Constitution of Canada. The motion as proposed by Senator Tkachuk is completely compatible with the Constitution. The Speaker may wish to look at the Constitution to get the exact wording, of course, but the motion is completely compatible. This chamber does not attempt to involve itself in the work of the Governor General. What Senator Tkachuk had done was completely in tune and responsive to the duties of the Governor General.

By this subamendment, this chamber is attempting to make the Governor General go in a certain direction and to do something that is not constitutional. Would Your Honour take this as a point of order?

The Hon. the Speaker: Are there any other comments on the point of order raised by Senator Comeau?

Senator Banks: I wish to speak to the point of order.

The original motion, honourable senators, quotes the Constitution in its third paragraph. It quotes the Constitution as follows:

> When a vacancy happens in the Senate by resignation, death or otherwise the Governor General shall by summons to a fit and qualified person fill the vacancy.

Senator Nolin: I have a point of order. If Senator Banks speaks now, is he answering to a point of order?

The Hon. the Speaker: We are on a point of order that has been raised by the Honourable Senator Comeau. I am hearing argument on the point of order, and I am now listening to Senator Banks on the point of order.

Senator Banks: Senator Comeau's point was that there is something in the proposed subamendment to Senator Tkachuk's amendment that is unconstitutional. By reading the quote from the Constitution in the first motion, in the main motion, it indicates, I believe that the subamendment is in no way contrary to the Constitution. In fact, it refers specifically to the Constitution by saying,: "Your Excellency will continue to exercise her lawful and constitutional duties and summon qualified persons to the Senate of Canada . . . ." under the rubric of the quotation that I just read, " . . . thereby assuring that the people . . . to which they are entitled under the Constitution of Canada," so I submit there is no point of order.

Hon. Anne C. Cools: Since we are having a point of order on the actual words, would it be possible, Your Honour, for us to have copies of the motion as moved by Senator Banks? I would very much like to speak on this point of order, but I would feel that I would be speaking with more intelligence if I had the words in front of me. I would suspect that if more senators had the actual text of Senator Banks' proposal, we would engage in more debate and it would encourage more interest in the debate.

The Hon. the Speaker: Honourable senators, I feel comfortable in ruling on the point of order. I do not think I need to hear any more arguments.

The essence of the point of order raised by the Honourable Senator Comeau speaks to the issue of the Constitution. As all honourable senators know, the Speaker does not decide Constitutional matters. I believe, and it is my ruling, that this matter is not procedurally out of order. It is a matter that is best decided by and through debate.

The chair rules that the subamendment to the amendment is in order.

Some Hon. Senators: Question!

Senator Cools: I would like to speak on the amendments.

Honourable senators, I rise to speak in support of Senator Banks' amendment. I would like to begin my remarks by stating unequivocally that I also rise to speak in support of the Governor General of Canada, Her Excellency Michaëlle Jean. I would also like to speak against Senator Tkachuk's claims about her role.

I wish to state, honourable senators, that I do not subscribe to Senator Tkachuk's notion that the Governor General of Canada is a mere rubber stamp for a prime minister. As we know, this notion is described by many as the rubber stamp theory of viceregal power. It is a theory that no member of Parliament can defend because it is unsupported by the facts, by history, and by the law of the Constitution itself. Senator Tkachuk's speech should be named in praise of arbitrariness and the rule of lawlessness.

Honourable senators, just to make this clear, I wish to state my deep concern with Senator Tkachuk's statements about the Governor General's role as stated here on December 4, 2007. I wish to express my disapproval of his statement in the strongest terms. This statement is a personal affront to Her Excellency Michaëlle Jean and should not be countenanced by this house or in this house. In opposing Senator Moore's most noble initiative, Senator Tkachuk spoke about the Governor General, saying:

> Moreover, it invites the Governor General — a monarchical relic who has wisely and not without considerable forethought been relegated to that of figurehead — and her successors to usurp that which is the sole privilege of the democratically elected Prime Minister who appointed her.

Honourable senators, it is well-established and well-settled law of Parliament that our Senate debates should contain no slights on the Governor General or on Her Majesty. This is very well established. Erskine May and many other authorities say that.

The Governor General, like Her Majesty and judges and so on, is one of those listed as "protected persons" in debates in either House. In addition to being distasteful and offensive, this statement is legally and constitutionally wrong and a misrepresentation of the true constitutional position of the Governor General.

The Governor General is no mere relic from the past. She is no vestige from an earlier era. Neither is she an ornament of ceremonial importance only. The fact is that Her Majesty, through Her Excellency the Governor General, is the actuating power of the Constitution. She is the source of all power and authority.

Honourable senators, the Governor General cannot, as Senator Tkachuk says, usurp the privileges of the Prime Minister. All prime ministerial privileges have their source in the Governor General. Senator Tkachuk's statements are consistent with those of the government of the day in their efforts to diminish and degrade the institutions of the Constitution and to conduct affairs in an unconstitutional way.

Honourable senators, I believe that Senator Tkachuk should apologize for these unprecedented and hurtful statements delivered on December 4 on this Address to Her Excellency Michaëlle Jean.

Herbert Vere Evatt, a distinguished Australian parliamentarian and parliamentary authority, wrote in the 1940 *Canadian Bar Review*. In his article *The Discretionary Authority of Dominion Governors*, he wrote about the power of dissolution, the Governor General and the need to explode false constitutional theories.

• (2110)

Evatt wrote:

> I suggest that, when examined, they will finally explode the constitutional theory that, whatever the parliamentary situation and the other surrounding circumstances, Dominion Ministers are always entitled to obtain a dissolution of the popular Chamber, the function of the King's representative being reduced to that of an automaton or a figurehead.

Senator Tkachuk has declared that Michaëlle Jean, with someone's considerable planning, has been relegated to a figurehead. This is simply not true, not in the prerogative of dissolution nor in the prerogative of appointing senators.

Honourable senators, in his remarks Senator Tkachuk used a novel expression. He spoke about the Prime Minister's "policy" in respect of filling Senate vacancies. I do not know what a prime ministerial policy is. I know what a government policy is and what a ministry policy is, but I do not know what prime ministerial policies are.

Honourable senators, the Governor General of Canada is not the servant of the Prime Minister; neither is the Governor General a mere cipher for the Prime Minister. The constitutional phenomenon of a prime minister's advice to a governor general is located under the rubric of what we call "constitutional conventions."

The great constitutional scholar Albert Dicey wrote about the character of constitutional conventions in his book *Introduction to the Study of the Law of the Constitution*. In the eighth edition, published in 1924, he said, at page 413:

> In an earlier part of this work stress was laid upon the essential distinction between the "law of the constitution," which, consisting (as it does) of rules enforced or recognized by the Courts, makes up a body of "laws" in the proper sense of that term, and the "conventions of the constitution," which consisting (as they do) of customs, practices, maxims, or precepts which are not enforced or recognized by the Courts, make up a body not of laws, but of constitutional or political ethics. . .

Dicey said that constitutional conventions are a constitutional morality. The conventions embody the postulates which are the foundation of the entire constitutional system.

Honourable senators, it is well understood that constitutional conventions are largely about the exercise of the prerogative powers which exist alongside the letter of the law as expressed in the British North America Act, 1867 and in the Governor General's letters patent, et cetera. These conventions are pivotal to our responsible government. Their purpose is to secure the rule of law, the supremacy of Parliament, the sovereignty of the people, and the proper functioning of parliamentary governance. These conventions are binding on both the ministry — the Prime Minister — and the Governor General. A prime minister simply cannot dispense with the constitutional convention of giving advice to a governor general in respect of Senate appointments or any other matter of state. Neither can a governor general simply dispense with the constitutional convention of receiving advice, and thereby act *motu proprio*, that is, on her own accord.

If a prime minister chooses to dispense with the constitutional conventions for himself he does so *in toto*. His actions in so dispensing with the constitutional conventions then relieve the governor general from being bound by that same convention.

Honourable senators, conventions are a mutual set of operations, so if they are waived or dispensed with by one party, they no longer have application to the other. The Prime Minister's actions in so dispensing with these conventions then excuse a governor general from being bound by that convention. In other words, the governor general does not continue to be bound by that convention to which the prime minister is not bound. The governor general is then constitutionally compelled to obey the letter of the law and not the convention.

As we know, the letter of the law takes no notice of constitutional conventions. As Senator Banks said a few moments ago, the letter of the law is very clear in section 32 of the Constitution Act, 1867, which says:

> When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

These constitutional conventions, restrictions on the prerogative, of necessity become restrictions on a prime minister. If a prime minister is not bound, then neither is a governor general, and that is the principle and the functioning of constitutional conventions.

Honourable senators, our constitutional system eschews arbitrariness in the exercise of power. The absence of arbitrary power on the part of the King or of the King's servants is the essential characteristic of the British constitution in Canada. Let us be quite clear: The Constitution of Canada, in all its

dimensions, eschews arbitrariness, and it may be said that the very purpose of constitutions is to defeat executive arbitrariness.

Mr. Dicey, in his book *Introduction to the Study of the Law of the Constitution* wrote:

> The idea of the rule of law in this sense implies, or is at any rate closely connected with, the absence of any dispensing power on the part either of the Crown or its servants.

The Bill of Rights 1689, one of the acts settling the English revolution, said:

> The pretended Power of suspending of Laws, or the Execution of Laws, by regal Authority, without Consent of Parliament, is illegal.

This very famous bill, the Bill of Rights of 1689, settled the question in law and in history once and for all in the business of arbitrariness and in the business of the dispensing power on the part of the King and the King's servants. The Prime Minister's whimsy and fancy are strictly forbidden.

Honourable senators, Eugene Forsey, a distinguished Canadian constitutional scholar and also a former senator, whom I knew very well, wrote on these questions, particularly the proper constitutional relationship between a prime minister and a governor general and a governor general's exercise of the prerogative. I wish to quote from Forsey's famous work entitled *The Present Position of the Reserve Powers of the Crown*. This was published as the introduction to the one combined volume of two books, being Forsey's own *The Royal Power of Dissolution of Parliament in the British Commonwealth* and Herbert V. Evatt's *The King and His Dominion Governors*. Forsey said:

> The conventions governing the exercise of the reserve powers must inevitably vary in the different realms in the light of the differing realms. . . . But in all the realms the basic principle is the same: the protection of the normal functioning of parliamentary democracy. . .
>
> If that is so, it seems to me almost certain that neither the Queen nor any of her representatives will exercise any of the reserve powers except to preserve the Constitution. Putting it another way: the reserve powers are there as much as a bulwark against Prime Ministerial dictatorship.

A few pages later, Eugene Forsey hit the nail on the head. He said:

> Nor will it do to say that Prime Ministers can be counted on to behave constitutionally. That is to argue 'the triumph of hope over experience' (and some very recent experience at that). No country can afford to accept a dogma of the immaculate conception and infallibility of Prime Ministers.

Honourable senators, in this era of exaggerated and enlarged prime ministerial powers, there are no constitutional checks on the power of prime ministers, not from the cabinet, not from the Houses, or the party caucus. Senator Tkachuk asks this house to subjugate the Governor General to the Prime Minister. He asked the house to deny the true constitutional position of the Governor General in these circumstances.

• (2120)

In short, Senator Tkachuk was asking us to fly in the face of the law of Parliament, of the Constitution Acts, and of the fact that the Governor General has a duty to make Senate appointments because it is her duty to serve the people of this country and not to serve any prime minister.

The Governor General has an obligation to the people of Canada to summon qualified senators to the Senate. I, for one, would like to join all of those who are supporting this subamendment and say heartily that I support it. It is terribly regrettable that, in this day and era, we have been placed in this particular situation and that a Governor General has been placed in the situation that this particular Prime Minister has deemed to put us all into.

I would also like to throw in a quotation, in encouraging Her Excellency to understand very clearly that she is acting within the law and that it is her lawful duty. I should like to make clear that the Prime Minister, in refusing to Her Excellency —

The Hon. the Speaker: I regret to advise the honourable senator that her time has expired. Continuing debate.

Senator Cools: Five more minutes?

An Hon. Senator: Question!

Senator Cools: This is on the subamendment. Rather than continue my remarks on this subamendment, I will speak on the main motion, then, or to the amendment.

The Hon. the Speaker: Further debate on the subamendment?

Senator Tkachuk: I move the adjournment of the debate.

The Hon. the Speaker: It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Keon, that further debate on this matter continue at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those honourable senators in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators opposed to the motion, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: Honourable senators, is there agreement between the whips as to the length of the bell? If there is no agreement, it is one hour.

Honourable senators, the vote will take place at 10:20 p.m.

• (2220)

The Hon. the Speaker: Honourable senators, the question before the house is the motion by the Honourable Senator Tkachuk, seconded by the Honourable Senator Keon, that further debate on the motion in subamendment by the Honourable Senator Banks, seconded by the Honourable Senator Day, be continued at the next sitting of the Senate. Those in favour of the motion will please rise.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Comeau
Gustafson
Keon
LeBreton
Nolin
Oliver
Stratton
Tkachuk—9

NAYS
THE HONOURABLE SENATORS

Bacon
Banks
Callbeck
Chaput
Cook
Cowan
Dallaire
Dawson
Day
Downe
Eggleton
Fairbairn
Fraser
Furey
Goldstein
Grafstein
Hubley
Jaffer
Kenny
Mahovlich
Merchant
Milne
Mitchell
Moore
Munson
Peterson
Phalen
Ringuette
Robichaud
Tardif
Trenholme Counsell
Zimmer—32

ABSTENTIONS
THE HONOURABLE SENATOR

Cools—1

• (2220)

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that the Senate do now adjourn.

The Hon. the Speaker: Those in favour of the motion please say yea.

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed please say nay.

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. There will be a one-hour bell, unless it is agreed otherwise.

The vote will take place at 11:24 p.m.

[*English*]

• (2320)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Comeau
Di Nino
Eyton
Gustafson
Keon
LeBreton
Nolin
Stratton
Tkachuk—10

NAYS
THE HONOURABLE SENATORS

Bacon
Banks
Callbeck
Chaput
Cook
Cowan
Dallaire
Dawson
Day
Downe
Eggleton
Fairbairn
Fraser
Furey
Goldstein
Grafstein
Hubley
Jaffer
Kenny
Merchant
Milne
Mitchell
Moore
Munson
Peterson
Phalen
Ringuette
Robichaud
Tardif
Trenholme Counsell
Zimmer—31

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

Hon. Terry Stratton: Honourable senators, I should like to rise to speak to this issue. I was rather surprised that we were proceeding to this vote tonight because I was intrigued as to what Senator Lowell Murray had to say. If I recall, in the days of

Trudeau, there were 20-odd vacancies in this chamber. I know my predecessor, Duff Roblin from Red River, Manitoba, was appointed in 1979 after the seat had been vacant for about seven or eight years. As well, Senator Di Nino reminded me that when he was appointed, there were about 20-odd vacancies in this chamber as well.

I wish to delve into this subject and recall what Senator Murray had said because it was quite a well-researched piece on this issue. With that in mind, and in order to take the opportunity to review that information, I hereby adjourn the debate.

The Hon. the Speaker: It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, to adjourn the debate for the remainder of his time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Nay.

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators in favour of motion signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators opposed to the motion signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Do the whips have an agreement?

Senator Stratton: We have agreed to 35 minutes.

The Hon. the Speaker: There will be a 35-minute bell.

• (2400)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Keon
Comeau	LeBreton
Di Nino	Nolin
Eyton	Stratton
Gustafson	Tkachuk—10

NAYS
THE HONOURABLE SENATORS

Bacon	Hubley
Banks	Jaffer
Callbeck	Kenny
Chaput	Merchant
Cook	Milne
Cowan	Mitchell
Dallaire	Moore
Dawson	Munson
Day	Peterson
Downe	Phalen
Eggleton	Ringuette
Fairbairn	Robichaud
Furey	Tardif
Goldstein	Trenholme Counsell
Grafstein	Zimmer—30

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

The Hon. the Speaker: Honourable senators, pursuant to rule 66(6), I declare that a motion to adjourn the Senate has been deemed moved and adopted, and I shall leave the chair until the time provided for the next meeting of the Senate, which is Thursday, December 13, 2007, at 1:30 p.m.

The Senate adjourned until Thursday, December 13, 2007, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, December 13, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, December 13, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NEW DEMOCRATIC PARTY OF CANADA

MISINFORMATION ABOUT SENATE ON WEBSITE

Hon. Lillian Eva Dyck: Honourable senators, two nights ago I viewed the information about the Senate on the New Democratic Party of Canada website and, frankly, I was appalled. The information there was misleading, inaccurate, opinionated, full of innuendo and lacking in substance. A significant example of the inaccurate and misleading information on their website is the assertion: "The senators' right to lobby for the companies they work for and the investments that they hold is enshrined in the rules of the Senate."

The NDP website neglects to state that the Conflict of Interest Code for Senators requires senators to declare any conflict of interest in matters for ourselves or family members before we can participate in a debate on the matter. The NDP website also neglects to mention that the code allows senators to abstain but not to vote on such matters. Had they included these and other sections of the code, it would be clear that their assertion is wrong.

The NDP website claims that the Senate is outdated, ineffective and elitist, but just because the NDP say it is so does not mean it is true. Where is the evidence that this is true? Where are the facts, studies, research or reports that support the NDP assertions? Perhaps there is some truth to their assertions, but how can one find out how much truth is in their claims when the NDP website does not post any references or links to scholarly documents supporting their opinion? Honourable senators, how can anyone believe them when the information on the Senate and individual senators is so obviously opinionated, poorly presented, unsubstantiated, disrespectful and, even worse, sometimes outright wrong.

I am embarrassed to think that Mr. Layton and members of the NDP would post such information — information that is wrong and lacking in intellectual breadth and depth. A student handing in this type of information as a term paper would receive a failing grade.

Honourable senators, in my opinion, the information about the Senate and individual senators posted on the NDP website should be relegated to the "Hall of Shame" because it is shameful to pretend their subjective opinions are the same as objective evaluations of a substantial body of facts.

To conclude, honourable senators, if I had a corporate sponsor, I would be glad to join the 11 senators depicted on the NDP website. We could be the dirty dozen of the Senate who roll up our sleeves and get dirty doing our work. The NDP of Canada, however, through their website, has gotten dirty by slinging mud at fellow parliamentarians.

THE LATE NORVAL MORRISSEAU, C. M.

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to a man sometimes referred to as "the Picasso of the North," Mr. Norval Morrisseau. Mr. Morrisseau, also known as "Copper Thunderbird," passed away after a lengthy battle with Parkinson's disease at the age of 75 on December 4, 2007.

He was a self-taught artist, who combined elements from his Ojibwa heritage as well as contemporary influences to create his own distinctive style now known as woodland Indian art.

• (1340)

Despite his great talents, Mr. Morrisseau did not have an easy life, struggling with poverty and addiction for many years. He was, however, a survivor — some have called him indestructible — and overcame the obstacles that he faced in life.

During his career, he was a pioneer for Aboriginal artists. He was the first First Nations artist to succeed in the Canadian art scene, and was the first Aboriginal to have a solo exhibit at the National Art Gallery, which took place in Ottawa early last year. He was also the only Canadian artist to be shown in 1989 at Paris's Georges Pompidou Centre as part of the French celebration of the bicentennial of the French Revolution.

Norval Morrisseau has been honoured numerous times for his achievements. He was made a member of the Order of Canada in 1978; awarded the Lifetime Achievement Award by the National Aboriginal Achievement Foundation; and received the Eagle Feather, which is the highest honour awarded by the Assembly of First Nations.

Mr. Morrisseau will be fondly remembered by his large and extended family, as well as his many fans across the country.

GREY CUP AND VANIER CUP 2007

CONGRATULATIONS TO WINNIPEG BLUE BOMBERS AND UNIVERSITY OF MANITOBA BISONS

Hon. Rod A. A. Zimmer: Honourable senators, I rise today with mixed emotions. Most of you know that, although I sit as a senator for Manitoba, I was born, raised and educated for the first 25 years of my life in Saskatchewan. I then moved to Winnipeg, where I have lived and made my home ever since; and I have an equally deep love for both provinces and football teams, the Riders and the Bombers.

On behalf of Manitoba Senators Spivak, Johnson, Stratton, Carstairs and Chaput, I congratulate the Saskatchewan senators Tkachuk, Andreychuk, Gustafson, Merchant, Peterson and

Dyck on the Saskatchewan Roughriders' recent narrow and heart-stopping victory over my beloved Winnipeg Blue Bombers. Either way, I can claim victory.

When Senator Tkachuk mentioned in his speech last week the Roughriders' 18-year Grey Cup drought, he ain't seen nothing.

The Manitoba Bisons had experienced a 37-year Vanier Cup drought until this year's spectacular victory over the Saint Mary's Huskies. The word "drought" is a bit of an oxymoron with all the spring flooding every year in Manitoba.

On behalf of all senators, I congratulate the Bisons' players, coach Brian Dobie, management and staff and their loyal fans for their dedication and commitment to a very successful season as the Vanier Cup champions.

To quarterback John Makie, congratulations on being chosen the Offensive Most Valuable Player. To defensive back Mike Howard, who climbed an invisible ladder to intercept two passes, congratulations on being selected the Defensive Most Valuable Player; and to running back Matt Henry, who sustained a severe injury, heal well. Our thoughts and prayers are with you.

Honourable senators, the Grey Cup was a classic Prairie contest. The Roughriders brought their mascots, Gainer the Gopher and Sandy Monteith, also known as the Flame from Saskatoon, and a flood of their loyal green and white fans, who popped up like pesky gophers in an overgrown wheat field.

Therefore, honourable senators, I must swallow my loyalties, be gracious in defeat and honour the Roughrider players, coach Ken Austin, management and staff — and most of all, the loyal fans of Saskatchewan — in becoming the Grey Cup champions of 2007.

However, the Bombers are champions in our hearts, exceeding all expectations; and on behalf of all senators, I congratulate the players, General Manager Brendan Taman, President and CEO Lyle Bauer, Chairman Ken Hildahl, Coach Berry, the administration and staff and, most importantly, the loyal and dedicated blue and gold fans. Finally, to our quarterback Kevin Glenn, who had an outstanding season, we wish you a speedy recovery.

Honourable senators, if you will indulge me for a moment, I conclude with this:

> The outlook wasn't brilliant for the Bomberville 12 that day.
>
> The score stood 23-19, with but one down to play.
>
> And when the Bombers were incomplete on the first down
>
> And on the second did the same.
>
> A pall-like silence fell upon the patrons of the game.
>
> Oh, somewhere in this favoured land the sun is shining bright;
>
> The band is playing somewhere, and somewhere hearts are light,
>
> And somewhere men are laughing, and little children shout:
>
> But there is joy in Bomberville, the Bombers still have clout!

• (1345)

[*Translation*]

OFFICIAL LANGUAGES

STATISTICS CANADA REPORT ON 2006 CENSUS DATA

Hon. Maria Chaput: Honourable senators, last week, Statistics Canada released the results of the 2006 census. This week, Statistics Canada released a more detailed report on the reality of official language minorities in Canada, entitled *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities.*

Honourable senators, I would like to share some of the findings of this report with you. This survey shows a very important correlation that makes perfect sense, in my opinion. The smaller the francophone minority community within a municipality, the more francophones will have to use their second official language regularly to participate fully in the development of their municipality in their daily activities, where English predominates. The more uncommon or difficult it is to live in French, the more the use of that language declines.

This gradual decrease in numbers in a minority francophone community can be attributed, first and foremost, to the many years during which these francophones did not receive support where they needed it the most. All those years of court challenges to win basic rights contributed to the decline in numbers. Rebuilding a language community after decades of oppression takes an ongoing commitment to support those communities that have a real desire and a determination to live in French.

The survey also says that although these francophones increasingly describe themselves as bilingual people, they nonetheless continue to demand services in French.

The report on vitality indices also indicates that the language of the school attended at the pre-kindergarten and kindergarten level is particularly important because it is often an indicator of the language in which elementary schooling will take place.

What can we do, honourable senators, when our children are looked after in so-called bilingual day care centres, reach French pre-kindergarten speaking English and then have to be taught French again? Private enterprise will not be able to provide French-language day care in areas where English is the dominant language. Do you see the setbacks, the slippage and the loss of numbers this can cause us?

Honourable senators, I hope that the government in power will draw inspiration from this document and find this information useful and that its government departments and agencies will consider developing policies and implementing programs to enhance the vitality of official language minorities in Canada.

[*English*]

AGRICULTURE AND AGRI-FOOD

PROBLEMS FACING LIVESTOCK PRODUCERS

Hon. Catherine S. Callbeck: Honourable senators, there is a crisis occurring right now in the livestock industry in Canada. The current situation has been brought about by a number of factors. A combination of the high Canadian dollar, high feed prices and low livestock prices have turned into what is being called a "perfect storm." Livestock farmers are on the verge of economic collapse.

Mr. Stephen Moffett, Chair of the Canadian Pork Council Safety Net Committee, told the Standing Senate Committee on Agriculture and Forestry: "This is a dramatic situation in which many producers actually face financial ruin."

This crisis affects livestock producers across the country. As I said in this chamber last week, almost 30 per cent of Prince Edward Island hog producers have stopped production in recent weeks, including some major long-time Island producers. Beef producers are selling off their herds because their profits will not cover the costs required to continue. Family farms operated for generations are being lost. It has been said by those most familiar with the industry that the current situation is unprecedented.

The effects of these industry losses will be felt in our communities. The agriculture industry brings significant spinoffs to rural areas, and has a large impact on the entire economy. According to the Canadian Cattlemen's Association, the beef industry alone contributes $26 billion a year to the overall economy. The Canadian Pork Council stated yesterday that the hog industry accounts for nearly $8 billion in economic activity in both the supplier sector and wages paid to employees.

In my home province, agriculture is our primary industry. A recent editorial in the *Guardian* stated: "Agriculture has been the reliable staple, the sturdy constant of the economy and a defining characteristic of the unique culture that is Prince Edward Island."

Honourable senators, this is a question of supporting our Canadian agriculture industry and our capacity to feed ourselves as a country. I hope the federal minister understands the crisis facing the industry and that immediate and substantial assistance will come from this government. Canadian livestock producers cannot wait any longer.

• (1350)

JUSTICE

CRIMINAL CODE—CONFORMITY WITH UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Lorna Milne: Honourable senators, on November 15, the Regional Municipality of Peel, Ontario passed a resolution calling for the repeal of section 43 of the Criminal Code allowing corporal punishment of children. The region — my region — with a population of more than 1.1 million, consists of the three municipalities of Mississauga, Brampton and Caledon.

Honourable senators, section 43 of the Criminal Code which has been in force since 1892 reads as follows:

> Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

In 2004 the verdict of *Canadian Foundation for Children, Youth and the Law v. Canada*, a decision of the Supreme Court of Canada, limited the scope of using section 43 as a defence but did not end it. Limiting legal approval of hitting children by restricting hitting to certain ages, degrees of force and parts of the body is not a viable solution.

In the minds of many Canadians, legal approval for any hitting of children, the most vulnerable members of our society, is harmful and unjust.

As many honourable senators know, the repeal of section 43 of the Criminal Code is the subject of a Senate public bill sponsored by my colleague, Senator Hervieux-Payette. When speaking to Bill S-209 on November 14, Senator Hervieux-Payette urged honourable senators to support this bill after citing a host of experts and organizations who also support the repeal of section 43.

In addition, she noted that while Canada ratified the United Nations Convention on the Rights of the Child in 1991, we are disrespecting the terms of this convention by maintaining section 43 of the Criminal Code.

Honourable senators, 19 other nations have produced concrete measures to comply with this United Nations convention while Canada has remained silent. I strongly believe, and so do the municipalities in my region of Peel, that it should not take a private member's bill for Canada to live up to its international obligations.

Hon. Senators: Hear, hear!

THE SENATE

CONDUCT IN COMMITTEE OF THE WHOLE

Hon. James S. Cowan: Honourable senators, I want to say how impressed I was with the way in which my colleagues on both sides of the house conducted themselves during yesterday's Committee of the Whole proceedings held with respect to Bill C-38, the isotopes bill. The probing yet courteous way with which questions were put to the three panels of witnesses was in stark contrast to the partisanship, posturing, finger-pointing and character assassination that marked the proceedings the night before in the other place.

Parliament was presented with what Senator Banks correctly described as a "Hobson's choice;" to balance the medical requirements of Canadians and others against the potential risk of unsafe operations of a nuclear reactor.

My assessment is that my colleagues identified the critical issues raised by this unfortunate situation in a way that brought credit to themselves and the Senate.

I believe even the severest critic of this institution would have been impressed. My congratulations extend to all my colleagues who participated in those proceedings yesterday.

• (1355)

ROUTINE PROCEEDINGS

DONKIN COAL BLOCK DEVELOPMENT OPPORTUNITY BILL

REPORT OF COMMITTEE—THIRD READING

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 13, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill C-15, An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, has, in obedience to the Order of Reference of Thursday, November 29, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Senator Banks: Honourable senators, with leave, I propose that the bill be read a third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, December 13, 2007

The Standing Senate Committee on National Finance has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill S-215, An Act to protect heritage lighthouses, has, in obedience to the order of reference of Thursday, December 6, 2007, examined the said Bill and now reports the same with the following amendments:

1. *Preamble, page 1*:

Add after line 10 the following:

"AND WHEREAS communities in the areas in which lighthouses are situated have an important role in the conservation and protection of heritage lighthouses and in ensuring a public purpose for them;".

2. *Preamble, page 1*:

Replace, in the English version, line 13 with the following:

"taken to conserve and protect our heritage".

3. *Clause 2, page 2*:

Replace lines 3 and 4 with the following:

"this Act, and includes any related structure that is included in the designation.".

4. *Clause 2, page 2*:

Replace lines 13 to 17 with the following:

""related structure", in relation to a lighthouse, means

(*a*) any building on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse; and

(*b*) any structure on the site on which the lighthouse is situated, the maintenance of which is necessary in order to provide access to the site.".

5. *Clause 3, page 2*:

Replace, in the English version, line 18 with the following:

"**3**. The purpose of this Act is to conserve".

6. *Clause 3, page 2*:

(*a*) Replace, in the English version, line 23 with the following:

"or disposition of heritage lighthouses;"

(*b*) Replace line 25 with the following:

"reasonably maintained; and

(*d*) facilitating sales or transfers of heritage lighthouses in order to ensure the lighthouses' public purpose.".

7. *Clause 6, page 2*:

(*a*) Replace lines 35 and 36 with the following:

"(2) The designation of a lighthouse may include any related structure that the";

(*b*) Replace, in the French version, line 41 with the following:

"critères établis, devrait y être inclus.".

8. *Clause 7, page 3*:

Replace line 20 with the following:

"whether any related structures".

9. *New clause 7.1, page 3*:

Add after line 22 the following:

"**7.1** (1) For two years beginning with the coming into force of this Act, every Minister of the Crown in right of Canada who has the administration of lighthouses must maintain and make available to the public a list of those lighthouses that he or she considers to be surplus to the operational requirements of the portion of the federal public administration for which he or she is responsible.

(2) A surplus lighthouse may only be designated as a heritage lighthouse if a person or body submits a written commitment to buy or otherwise acquire the lighthouse and to protect its heritage character in the event that it is designated as a heritage lighthouse.".

10. *Clause 10, page 3*:

Replace line 44 with the following:

"lated structure should be included in the".

11. *Clause 12, page 4*:

Replace line 19 with the following:

"nicipality or to a person or body that is acquiring the heritage lighthouse for a public purpose.".

12. *Clause 12, page 4*:

Replace, in the English version, line 22 with the following:

"must provide for the protection of the heri-".

13. *Clause 13, page 4*:

Replace line 32 with the following:

"(2) A heritage lighthouse, or any part of it, may only be demolished if a public meeting is held on the matter in the area in which the lighthouse is situated.

(3) Subsections (1) and (2) do not apply in re-".

14. *Clause 13, page 4*:

Replace, in the English version, line 34 with the following:

"house in response to an emergency situ-".

15. *Clause 14, page 4*:

Replace, in the English version, line 36 with the following:

"**14**. The owner of a heritage lighthouse must".

16. Clause 15, page 4:

Replace lines 43 and 44 with the following:

"house and whether any related structure should be included in the designation;".

17. *Clause 15, page 5*:

(*a*) Replace, in the English version, line 5 with the following:

"of heritage properties; and"

(*b*) Replace lines 9 to 17 with the following:

"the conservation of heritage properties.".

18. *New clauses 15.1 and 15.2, page 5*:

Add after line 17 the following:

"**RELATED AMENDMENTS TO THE PARKS CANADA AGENCY ACT**

15.1 Paragraph (*a*) of the definition "heritage protection programs" in subsection 2(1) of the *Parks Canada Agency Act* is replaced by the following:

(*a*) heritage railway stations, heritage lighthouses and federal heritage buildings;

15.2 Paragraph 4(1)(*b*) of the Act is replaced by the following:

(*b*) heritage railway stations, heritage lighthouses, federal heritage buildings, historic places in Canada, federal archaeology and Canadian heritage rivers; and".

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Joseph A. Day: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Day, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION BILL, 2007

REPORT OF COMMITTEE ON SUBJECT MATTER

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, December 13, 2007

The Standing Senate Committee on National Finance has the honour to table its

FOURTH REPORT

Your committee, which was authorized by the Senate on Wednesday, December 12, 2007, in accordance with rule 74(1), to examine the subject matter of Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007, in advance of the said bill coming before the Senate, has, in obedience to its order of reference, completed its pre-study and now reports as follows:

The committee held hearings on the subject-matter of Bill C-28. During the course of its hearings, the committee heard evidence from approximately 32 witnesses, including officials: Mr. Ted Menzies, the Parliamentary Secretary to the Minister of Finance, as well as from a number of officials from the Department of Finance, the Department of Human Resources and Social Development Canada, the Office of the Superintendent of Financial Institutions, the Department of Justice, and the Department of Indian and Northern Affairs. The committee also heard evidence from Professor Wade Locke of Memorial University of Newfoundland and Labrador and Professor Paul Hobson of Acadia University, and from representatives of the Canadian Federation of Agriculture and the National Anti-Poverty Organization.

As is often the case with budget implementation acts, Bill C-28 is an extensive bill. Among other measures, it proposes to: reduce personal and business income taxes; implement a further reduction in the GST; introduce a Working Income Tax Benefit, a Registered Disability Savings Plan, and a savings plan for agricultural producers; and legislate the understanding between the federal government and the provinces of Nova Scotia and Newfoundland and Labrador with respect to their Equalization payments in relation to the new Equalization formula and the 2005 Offshore Accords. The committee heard evidence on these and other matters contained in the bill.

Given the wide range of issues dealt with in this bill, and the shortened timeframe in which it was operating, the committee was pleased to have the assistance of its witnesses as it conducted its pre-study. Their testimony will be of considerable use as the Senate continues its work on the bill.

The committee expresses its approval of the bill in general.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Day: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Day, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BANKRUPTCY AND INSOLVENCY ACT COMPANIES' CREDITORS ARRANGEMENT ACT WAGE EARNER PROTECTION PROGRAM ACT

REPORT OF COMMITTEE

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday December 13, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and Chapter 47 of the Statutes of Canada, 2005, has, in obedience to the Order of Reference of Thursday November 15, 2007, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

W. DAVID ANGUS
Chair

OBSERVATIONS

to the Fifth Report of the Standing Senate Committee on Banking, Trade and Commerce (Bill C-12)

As was the case with Bill C-55, An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts, we are reporting Bill C-12 without having conducted our usual comprehensive study and review. We are doing so in support of stakeholders who have indicated that certain aspects of the bill should be implemented without delay in order to assist those workers who have unpaid wages or earned vacation pay.

As the Committee noted in our Seventeenth Report in the Thirty-eighth Parliament, we unanimously support and approve of wage earner protection for the workers of bankrupt employers. In our November 2005 report, we indicated that enhanced protection for these vulnerable creditors was long-overdue. More than two years later, we continue to believe that the need is urgent.

That having been said, we are mindful that some stakeholders have reservations about several provisions of Bill C-12 as well as about certain other aspects of Canada's bankruptcy and insolvency regime. In his appearance before the Committee on 29 November 2007, the Minister of Labour indicated the possibility that, perhaps as early as next year, further amendments to the regime could occur. Within this context, we intend to continue our work on this important framework legislation, and will be inviting submissions from stakeholders early in 2008. It is our hope that recommendations made as a consequence of this study will receive serious consideration by the government.

Finally, the Committee reiterates the point made in our observations on Bill C-55: the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act constitute framework legislation that affects the Canadian economy and all Canadians. We believe it essential that ongoing review occur in order to ensure that the legislation is appropriately amended from time to time and continues to meet its intended goals.

• (1400)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Senator Angus: I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Angus, with leave of the Senate, bill placed on the Orders of the Day for third reading later this day.

STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

FINAL REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TABLED

Hon. Joan Fraser: Honourable senators, I have the honour to table, in both official languages, the final (fifth) report of the Standing Senate Committee on Legal and Constitutional Affairs entitled *Taking Section 35 Rights Seriously: Non-Derogation Clauses Relating to Aboriginal and Treaty Rights.*

On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION BILL, 2007

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Comeau, with leave of the Senate, bill placed on the Orders of the Day for second reading later this day.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Wilfred P. Moore presented Bill S-224, An Act to amend the Parliament of Canada Act (vacancies).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Moore, bill placed on the Orders of the Day for second reading two days hence.

[*Translation*]

CANADA-CHINA LEGISLATIVE ASSOCIATION

VISIT OF CO-CHAIR, AUGUST 18, 2007—
REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association regarding the visit of the co-chair to Hong Kong, China, on August 18, 2007.

[*English*]

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL VISITS, SEPTEMBER 2-8, 2007—
REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation on the bilateral visits to Tanzania and Uganda held in Dar es Salaam/Arusha, Tanzania; Kampala/Gulu, Uganda, from September 2 to 8, 2007.

• (1405)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, JULY 5-9, 2007—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Sixteenth Annual Session of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly held in Kyiv, Ukraine, from July 5 to 9, 2007.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

SPRING SESSION OF NORTH ATLANTIC ASSEMBLY,
MAY 25-28, 2007—REPORT TABLED

Hon. Jane Cordy: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association. This is the report of the official delegation that represented Canada at the spring session of the NATO Parliamentary Assembly held in Madeira, Portugal, from May 25 to 28, 2007.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—
ELECTION OBSERVATION MISSION IN SERBIA,
JANUARY 21, 2007—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly's Election Observation Mission held in Serbia on January 21, 2007.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—
ELECTION OBSERVATION MISSION IN ARMENIA,
MAY 12, 2007—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly's Election Observation Mission held in Armenia on May12, 2007.

CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTERPARLIAMENTARY GROUP

TWENTY-EIGHTH GENERAL ASSEMBLY
OF ASSOCIATION OF SOUTHEAST ASIAN NATIONS
INTER-PARLIAMENTARY ASSEMBLY,
AUGUST 18-24, 2007—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canada-China Legislative Association regarding the Twenty-eighth General Assembly of the Association of Southeast Asian Nations (ASEAN) Inter-Parliamentary Assembly (AIPA) held in Kuala Lumpur, Malaysia, from August 18 to 24, 2007.

THE SENATE

MEMBERSHIP OF STANDING SENATE COMMITTEE
ON CONFLICT OF INTEREST FOR SENATORS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Hervieux-Payette:

> That pursuant to Rule 85(2.1) of the *Rules of the Senate* the membership of the Standing Senate Committee on Conflict of Interest for Senators is follows:
>
> The Honourable Senators: Andreychuk, Angus, Carstairs, P.C., Joyal, P.C., and Robichaud, P.C.

Pursuant to rule 85(2.1) the motion was deemed adopted.

POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Elizabeth Hubley: Honourable senators, pursuant to rule 57(2) I give notice that, two days hence:

I shall call the attention of the Senate to questions concerning post-secondary education in Canada.

[*Translation*]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and Government Services. I cannot let him leave for the holidays before addressing some serious topics.

After reading a rumour in the papers that the minister would table his report today, I would like to know whether it is Mr. Paillé's full report.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, since Senator Lapointe does not like me to answer "soon", I will respond with "very, very soon".

Senator Hervieux-Payette: Did the minister receive a bill from Mr. Paillé? We were told there was a $1 million budget, but if we add all the costs of polling in a year, the budget exceeds $32.5 million. Did we save anything on the cost of Mr. Paillé's report? Do we know how much this report cost?

• (1410)

Senator Fortier: Honourable senators will be apprised of the costs when the report is released. I am interested in your comments. You may find that Mr. Paillé's bill will be lower than what the government budgeted for his work.

Senator Hervieux-Payette: My last question is whether the minister intends to have a second independent party — I would suggest Mr. Broadbent, perhaps — produce a report on the Conservative Party's polls over the past two years, much like Mr. Paillé's report.

Senator Fortier: I invite you to read the Paillé report. You may find therein some answers to the questions you have raised.

Hon. Jean Lapointe: Honourable senators, my question is for Minister Fortier, who, I should add, is also a senator. I put it that way because it does not seem that his Senate functions are his priority.

Before I go on, I want to say that early on in my working relationship with Senator Fortier, he was very polite to me. When he went out, I went out to shake his hand. I must say that times have changed.

I would like to preface my question. Sometimes the preface takes longer than the question itself.

Yesterday, when I asked the minister a question, he replied that he was pleased to see that I was interested in something other than culture. I consider that remark to be a personal insult.

In case you are unaware, I am the one responsible for cutting down the interminable tributes we were once subjected to at the beginning of every Senate meeting to 15 minutes. That, Mr. Minister, was the culture of wasted time.

I became very interested in the monumental work done by Senator Nolin on the decriminalization — if I stopped drinking, I would be able to speak faster — of marijuana use. Mr. Minister, that is the culture of pot. I am not finished.

I am interested in the culture of soil. I am very interested in this because when I was a little boy, only seven or eight years old, my father told me that the wealth of a nation lies in its soil and in agriculture.

I proposed an amendment to the Criminal Code in order to rid our society of video lottery terminals, which are ruining families and costing our society three to five times more in social costs than the revenue they bring in. Mr. Minister, that is a culture of addiction.

On several occasions, I have put on shows as a volunteer, on my own or with other senators, for various Senate social activities. Mr. Minister, that is a culture of recognition.

Here are my two questions. When will we have the opportunity to read the Paillé report, which you promise to release soon? Mr. Minister, that is a culture of delay.

In closing, I have a hypothetical question. I read in this morning's *Le Devoir* that the report would be tabled today. I congratulate you. How is it that you did not table it yesterday? We were ready to welcome you with open arms.

• (1415)

What is more, in his response to me, the minister repeated, as he did earlier, the word "soon, soon, soon". Does he have a stutter or is this just a fluke?

Senator Fortier: Honourable senators, Senator Lapointe is quite the wordsmith and he has a good command of the French language. Yesterday, he suggested that I am a fine skater, but I should have guessed by how he uses language that he is much more than a fine skater.

The senator's introduction was quite interesting. Yesterday the senator objected to the word "soon". In answer to his question, I would say the report will be tabled "very, very soon". The senator seems interested in the matter.

I would welcome his observations when we are back from the holidays. If he wants to send me his comments between now and our return, I will gladly accept them.

I am always happy to receive any input to a solution concerning the polls commissioned by the departments.

Senator Lapointe: Honourable senators, we are still left with "very, very soon". That does not tell us whether we will have this report this afternoon, at the end of the day, this evening or on the weekend after we have left. I hope we will have left, because I think we could all use some time off.

That said, I would like to take this opportunity to wish honourable senators, the Leader of the Government, the Leader of the Opposition, and the entire team a very happy holiday season. I think for the most part there is far more good will here in the Senate than bad.

By the way, I know the minister is more interested in the "other place" than the "upper place" — pardon the pun. I admire his work, but only to a certain extent. There is no sense in denying how one feels. I always say what I think, even though sometimes I would be better off thinking about what I say — but that is another story. The fact remains that we should end our senatorial work today in harmony.

For the minister's information, in case he did not know, the Senate does not even cost one per cent of the total budget. I understand that some people, including the Right Honourable Stephen Harper and someone from the NDP would like to abolish the Senate.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker: Order.

Senator Lapointe: I apologize. I would simply like to thank you. I have nothing more to add.

[*English*]

The Hon. the Speaker: Honourable senators, I remind you that rule 24(4) states that a debate is out of order on an oral question, but brief explanatory remarks may be made by the senator. "Brief," of course, is relative, but I think we have had an example that is probably close to the limit.

[*Translation*]

Senator Fortier: I would like to thank the honourable senator for his comments and good wishes.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR POST-SECONDARY EDUCATION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government. Access to post-secondary education is a growing concern in Canada. With the slowdown in the manufacturing sector, Canada absolutely must focus on the knowledge economy. Student federations are demanding that funding be returned to 1995 levels. We are talking about more than $4 billion.

Students from École Gisèle-Lalonde in Orleans are present in the gallery today. As they prepare to make their way to university does the government intend to honour its commitment to post-secondary funding, as set out in the document *Restoring Fiscal Balance*?

• (1420)

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): There is no doubt about the necessity in this country to encourage post-secondary education at all levels, including trade schools. I remind honourable senators that when the previous government cut the annual Canada Health and Social Transfers to the provinces by $25 billion, the post-secondary education system took a terrible hit. The provinces were put in the position of trying to make up for this tremendous loss of revenue from the federal government.

Our government, less than two years in office, is extremely proud of its record on helping students succeed. In 2008-09, the Canada Social Transfer payments for post-secondary education will rise to $3.2 billion — a 40-per-cent increase. We will invest another $800 million per year in post-secondary education beginning in 2008-09. We are providing the most scholarship grants ever to our graduate students through the Canada Graduate Scholarships Program. We have implemented the new textbook tax credit, and we made scholarship and bursary income fully tax exempt. Budget 2006 had several initiatives for students studying as apprentices, such as a $500 deduction for tools. We are making the Registered Education Savings Plan more attractive, including eliminating the $4,000 limit.

[*Translation*]

Senator Tardif: The Association of Universities and Colleges of Canada recently submitted to the House Standing Committee on Finance a report indicating the need to increase the number of university students at the graduate and post graduate level. To remain competitive internationally, we need 500,000 new masters or doctoral students in the next decade. At the current rate of registration there will only be 350,000.

Does the government intend to invest the money AUCC considers necessary in order to reach 500,000 graduates in the next 10 years?

[*English*]

Senator LeBreton: The government's position on post-secondary education is indicated by the commitments it has made, which I mentioned. In our knowledge-based economy and with the shifting demographic, serious attention must be directed toward encouraging students in post-secondary education institutions not only to enter these institutions but also to complete their school work. We hope that institutions encourage students entering post-secondary education to pursue areas where there are tremendous shortages. It is incumbent upon all people — in politics, at all levels of government, and in our learning institutions — to provide the proper guidance to students entering post-secondary education to ensure that they graduate in a field where they will have a great future and where there is a great need for their talents.

PRIME MINISTER'S OFFICE

APPOINTMENT OF PUBLIC APPOINTMENTS COMMISSIONER

Hon. James S. Cowan: Honourable senators, by way of preamble to my question to the Leader of the Government in the Senate, I will cite one of the few quotations put on the record from the Honourable John Baird that I agree with. He said:

> Most Canadians recognize the incredible ability of people to get things done once they set their mind to accomplishing a task. Conversely, most Canadians also recognize the incredible ability to dither when they do not want to get something done.

Why, after more than one year since the bill on public accountability received Royal Assent, has the government failed to appoint a Public Appointments Commissioner?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Cowan probably knows that the groundwork is currently underway for that position.

• (1425)

TREASURY BOARD

APPOINTMENT OF COMMISSIONER OF LOBBYING

Hon. James S. Cowan: Honourable senators, why has the government failed to fully establish the office of the Commissioner of Lobbying?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as we know, in the last session of Parliament, Bill C-2 was a long and complicated piece of legislation that required a great deal of regulation to be put in place and as the President of the Treasury Board has indicated he expects to be releasing all of the necessary information on this position soon, to quote my colleague Senator Fortier.

PARLIAMENT

APPOINTMENT OF PARLIAMENTARY BUDGET OFFICER

Hon. James S. Cowan: Honourable senators, why has the government failed to fill the position of the Parliamentary Budget Officer?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the selection process for that position is underway as we speak.

[*Translation*]

ANSWERS TO ORDER PAPER QUESTION TABLED

THE ENVIRONMENT—IMPACT OF CLIMATE CHANGE ON PRINCE EDWARD ISLAND

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Downe.

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators a message has been received from the House of Commons returning Bill S-2, An Act to amend the Canada United States Tax Convention Act, 1984, and acquainting the Senate that they have passed this bill without amendment.

[*English*]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before Orders of the Day I would like to introduce two pages who are with us from the House of Commons. Penelope Angelopoulos is majoring in international studies and modern languages at the Faculty of Social Sciences at the University of Ottawa. Penelope is from Victoria, British Columbia.

Jonathan Holmes, of Calgary, Alberta, is pursuing his studies at the University of Ottawa's faculty of Social Sciences. Jonathan is majoring in political science.

QUESTION PERIOD

POINT OF ORDER

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order.

Honourable senators, I believe that perhaps His Honour's watch is having difficulty at this time. I do not believe we had the required 30 minutes for Question Period.

The Hon. the Speaker: I thank the honourable senator for raising that. I will confer with the table officers. I was advised by the table that we had one minute, and we were just in the midst of Senator Cowan's third question. Did I misunderstand the information from the table? The table officers are nodding their heads and advising me that I misunderstood the signal. Twelve minutes is left. The chair apologizes for that.

To correct the matter, I would ask consent of the house to return to Question Period to continue the final 12 minutes.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

MILLENNIUM SCHOLARSHIP FOUNDATION—LOAN REPAYMENTS

Hon. Yoine Goldstein: Honourable senators, I heard the honourable Leader of the Government in the Senate tell us about all of the initiatives that this government is taking with respect to post-secondary education.

• (1430)

Is the Leader of the Government aware of the fact that the Canada Millennium Scholarship Foundation, which incidentally was established by the previous unnamed government, is running out of funds; and notwithstanding requests from a host of student bodies and universities, this government is doing absolutely nothing to replenish it?

Is the Leader of the Government in the Senate aware that the Department of Finance has ascribed $5.6 million for legal fees for lawyers to hound student borrowers who cannot afford to repay their loans at the moment?

Is the honourable senator aware of the fact that the tax breaks of which she speaks with respect to students are irrelevant to students because they do not pay taxes?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I was asked a question about the Canada Millennium Scholarship Foundation several weeks ago and I took the question as notice. I have tabled a response as to the program's status.

Senator Mitchell: Oh, oh.

Senator LeBreton: The honourable senator will soon need to move into his other occupation of Christmas elf.

To return to the question of student loans, we are well aware of the great difficulties some students have in repaying them. The Minister of Human Resources and Social Development, the Honourable Monte Solberg, is seized of the issue of student loans. As a government, we have taken many measures in terms of assisting students, as I outlined in my answer to Senator Tardif — including the tax benefits. By the way, some students do pay taxes; if they earn an income, they pay taxes.

With regard to student loans, this problem varies from region to region; it is more severe in some parts of the country than in others. However, I will ask Minister Solberg to provide me with an update and I will forward it to the honourable senator, even if we are not sitting.

PUBLIC SAFETY

CORRECTIONAL SERVICES—STATE OF PRISONS—HARM REDUCTION MEASURES FOR PRISONERS

Hon. Marilyn Trenholme Counsell: My question is for the Leader of the Government in the Senate.

Out of the Shadows at Last, the report written and presented 18 months ago, revealed a great deal of the tragedy and the need for advancement in Canada in the way we treat mental illness. It would seem that on October 19, perhaps the condition of women's prisons in Canada came out of the shadows at last.

Can the Leader of the Government tell me whether there is any urgency or immediacy in the way her government is dealing with this issue?

In the 1977 report, the Prison for Women at Kingston was described as "unfit for bears and much less for women." Then a report came in 1990, called *Creating Choices*.

It has been said recently that despite the millions spent to upgrade programs, Ms. Ashley Smith found herself in an environment not much different than the one at the Prison for Women, surrounded by concrete, bulletproof glass and bars.

We think of that young woman, sleeping on concrete and wrapped in a horse blanket. I believe it is a terrible stain on Canada.

Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies, said Ms. Smith's death was predictable and preventable. The periods she spent in segregation cells were far too long, and there have been many warnings from guards' unions, inmate advocates and a federal commission that keeping women in cells like this is a blueprint for disaster.

• (1435)

Minister Day told Parliament a few days ago that he had given instructions to the Correctional Service and his staff to "implement a number of initiatives to limit the chance that such a thing could happen again."

I want to go back to the mental health report, *Out of the Shadows At Last*. There were three lengthy recommendations regarding federal offenders and I do not want the honourable leader to say, "Yes, we have established the Mental Health Condition because this commission has nothing to do with the federal conditions."

Recommendation No. 73 is this: "That the Correctional Service of Canada immediately implement expanded harm reduction measures in all federal correctional institutions."

What assurances do we have that there is anything either from Minister Day or in response to the mental health report that something immediate and urgent is being done so that such a tragedy will never happen again?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

The honourable senator is quite right; this was a terrible tragedy. Recently, I heard Senator Bryden make reference to it in his speech.

As the honourable senator knows, Minister Day has addressed this issue. He also commissioned an independent panel review on the operations of all prisons within the Correctional Service of Canada. That report was tabled today; he received it today.

Neither I nor the government have had a chance to fully appreciate the Sampson Report. Minister Day expressed his regrets over this young woman's loss of life. It is a great tragedy. We recognize the number of people who are suffering from mental illness who do find themselves either homeless, on the streets or in our prisons. It is not something that the government takes lightly, I assure honourable senators.

Senator Trenholme Counsell: I did not hear an answer to the portion of my question regarding "immediacy" or "urgency."

The Government of Canada instituted the Mental Health Commission quickly. However, in this one recommendation "that the Correctional Service of Canada immediately implement expanded harm reduction measures in all federal correctional institutions," can the honourable leader tell me whether any response was taken to Recommendation No. 73 in the mental health report, *Out of the Shadows at Last*?

Senator LeBreton: Honourable senators, I specifically did not mention the report because in the honourable senator's question she warned me off mentioning it. Every other government in the developed world has established a mental health commission, and now the government I am proud to be part of has done so. Senator Kirby, as the chair, established a board of directors, provincial liaison people, stakeholders and experts in the field. He has been working closely with the Minister of Health but, because of the tragedy in his own family, was away from his duties for a short time.

With regard to the specific recommendation about mental health patients, I will be happy to determine from Senator Kirby, the Minister of Health or Minister Day how they have proceeded on this specific recommendation.

Senator Trenholme Counsell: I did not want the honourable senator to tell me that the government created the Mental Health Commission. I wanted her to respond to the need for urgency. Recommendation No. 73 is not the responsibility of the Mental Health Commission; it is the responsibility of the Correctional Service of Canada, although they could be advised by the commission. There is a clear difference there.

Was there any immediacy? Was anything done by the government to respond to Recommendation No. 73?

• (1440)

Senator LeBreton: In fairness, that is a huge, well-written report with a broad scope. To expect me to get up and zero in on one recommendation and demand that I provide you with an immediate answer to what action the government has taken on one recommendation is a little over the top.

In any event, I am not expecting Senator Kirby, as was rightly pointed out, to answer this question. However, I can assure the honourable senator that the Senate report was broadly circulated among members of the cabinet and government with regard to specific areas within their responsibilities. I am particularly interested in it because it is an initiative that concerns seniors.

With regard to what Minister Day is to do with that particular recommendation, I will take the question as notice.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Pursuant to rule 27.1 I wish to advise the Senate that when government business is considered today it will do so in the following sequence: Starting with third reading of Bill C-35; followed by third reading of Bill C-12; followed by consideration of the fourth report of the Standing Senate Committee on National Finance that looked into the subject matter of Bill C-28; followed by second reading of Bill C-28; and followed by third reading of Bill C-13; then followed by all other items as they appear on the Order Paper.

APPROPRIATION BILL NO. 3, 2007-08

THIRD READING

Hon. Terry Stratton moved third reading of Bill C-35, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008.

He said: Senator Day and I spoke yesterday. I do not see any need to repeat any statements I made then, and I urge support for this bill.

Hon. Joseph A. Day: Honourable senators, neither my deputy chair of the Standing Senate Committee on National Finance nor I intend to speak at length on this matter. However, since the government is asking for approval of Parliament for the expenditures for $8.1 billion, it is important to make comments.

The comments made with respect to our report from your committee in relation to this supply bill were extensive and I commend the report to you. It outlines a number of initiatives that appear in the Supplementary Estimates (A). As I indicated to you previously, we have confirmed that the schedules attached to Bill C-35 are indeed the same schedules that we studied, in effect in a pre-study, of this particular bill.

Honourable senators will know that we handle supply bills in a manner somewhat different from the normal process in that we have the estimates before we receive the bill, in which event we are able to study the estimates on an ongoing and continuous basis — in fact even after the bill appears — until the end of the fiscal year.

In this particular bill, we have only the $8.1 billion, for which approval is being sought, whereas in Supplementary Estimates (A) there are also statutory expenditures that were approved in other pieces of legislation. One of those other pieces of legislation is equalization, and in Supplementary Estimates (A) there is an indication that through Treasury Board the government sought an additional $1.2 billion, based on the statutory approval to meet new rights under the equalization act. I will be speaking on that issue when we deal with Bill C-28, which is the budget implementation bill.

Honourable senators, because of the process that we follow, we have already dealt with the committee report and we have already dealt with second reading. I commend this supply bill to the attention of honourable senators.

• (1445)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

BUDGET AND ECONOMIC STATEMENT IMPLEMENTATION BILL, 2007

REPORT OF COMMITTEE ON SUBJECT MATTER ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Finance (subject matter of Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007) presented in the Senate earlier this day.

Hon. Joseph A. Day moved the adoption of the report.

He said: I wish to thank honourable senators for referring this matter to the Standing Senate Committee on National Finance. This is the subject matter of Bill C-28, an act to implement certain provisions of the budget tabled in Parliament on March 19 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007. Both of those matters are addressed in Bill C-28.

Honourable senators will recall that Bill C-28 is the second bill implementing matters under the budget for this particular fiscal year that was presented in March 2007.

The earlier bill was Bill C-52. In that bill, honourable senators, we dealt with equalization matters and the offshore accord. We dealt with the Canada Social Transfers and Canada Health Transfers and the contentious policy decision to move to a per capita transfer with respect to those Canada Social and Health Transfers as well as the changes to the equalization program at that time. They were all in Bill C-52. They are not in this particular bill.

Honourable senators will recall that there was a problem with respect to two provinces, Newfoundland and Labrador and Nova Scotia, with respect to equalization and the proposed new treatment of equalization payments and the offshore accord in Bill C-52 implementing the budget, whereby those two provinces were required to make a choice between the new formula, sometimes referred to as the O'Brien formula, and the earlier interim program, which was put in place for a period of time. There was a fixed annual increase in the global amount and the earlier formula that was in place prior to the 2005 fixed annual increase.

• (1450)

Since then, there have been negotiations and changes, and honourable senators will find that a solution has been found in Bill C-28. I will talk more extensively about that. However, I can say that we have heard from witnesses on this matter, and witnesses from Nova Scotia, not from the government, but from Acadia University in Nova Scotia, and a witness from Memorial University of Newfoundland. Both witnesses indicated to us that solutions have been found which, although they do not respect the principle of the offshore accords and how they are dealt with in the equalization program, they do present an attractive solution to each of those provinces because of their circumstances. Each province is wise to accept, on a fiscal and financial basis, the agreements reached on October 10 for Nova Scotia, and two days ago for Newfoundland and Labrador.

Therefore to implement the Nova Scotia arrangement of October 10, Bill C-28 is necessary. The provisions in this bill are necessary for Nova Scotia to implement and to receive the funds that they have negotiated with the federal government in relation to offshore and equalization. They need Bill C-28.

Newfoundland and Labrador, looking at its circumstances, does not need Bill C-28 to implement the arrangement that has been reached between Newfoundland and Labrador and the federal government, taking into consideration equalization and the offshore accord as it applied to Newfoundland. Bill C-28 is not necessary for Newfoundland and Labrador but it is necessary for Nova Scotia. Each of those provinces has now agreed to the proposed arrangement.

Honourable senators, that equalization aspect is important to understand. We studied the subject matter of Bill C-28, and honourable senators know we studied the subject matter, because the bill was held up in the other place. We had all our arrangements to proceed with hearings, and recognizing the time of year we requested and honourable senators agreed that we proceed in this manner.

The committee met extensively over the last two days. I thank all members of the committee for the hard work and sacrifices I know each one made to participate. We sat for over seven hours. We heard from 32 witnesses, including the Parliamentary Secretary to the Minister of Finance, Ted Menzies; we heard from the Department of Finance and the Department of Human Resources and Social Development, and many other government departments.

As I mentioned earlier, we also heard, from Wade Locke from Memorial University and Paul Hobson, from Acadia University, both PhDs and professors. We heard from representatives of the Canadian Federation of Agriculture and the National Anti-Poverty Organization on aspects of this bill.

The bill is extensive and eclectic in its presentation, and that is not uncommon for a budget implementation bill that deals with many different factors. There is no common theme. Aspects of the bill are from different initiatives in the budget pertaining to different departments, and relating to different pieces of legislation. No new pieces of legislation are created in this particular bill.

There are 14 different parts to the bill, and there are several changes to the Income Tax Act and the Excise Tax Act. When I have an opportunity to speak on Bill C-28, I will go into the changes in those statutes in more depth so honourable senators can understand what they are.

In conclusion, I can tell honourable senators that we have had a good overview of the bill and a good, open discussion on many of the aspects. We now have a better understanding of what appears in this particular budget implementation bill. When we go to the second reading of the bill, I anticipate that we will delve into more detail some of the aspects that we learned.

Hon. Lowell Murray: Honourable senators, I can make these remarks now or I can make them went Bill C-28 is formally before us for debate. I think I will make them now because I want to follow up on remarks that the chairman of the committee, Senator Day, made.

With regard to the Atlantic accords, first, the budget of March 19, 2007 did not respect the Atlantic accords. That does not change with this bill. As honourable senators know, there has been an agreement of October 10 affecting Nova Scotia between the Prime Minister of Canada, representing the federal government, and the premier of Nova Scotia.

The question is: What is happening in terms of the money? Is Nova Scotia's position improved over what it was on March 19? Is it improved over what it would have been, had the Atlantic accords been fully respected?

With regard to the latter question, the Government of Nova Scotia through its Department of Finance has put out tables purporting to project the returns to the Province of Nova Scotia from 2004-05 to 2019-2020. Those tables that the Nova Scotia Department of Finance have put out show that each year, Nova Scotia will be behind what they would have been if the Atlantic accords had been fully respected until the middle of the next decade, to around 2015-2016. At that point, according to Nova Scotia's figures, Nova Scotia catches up and at the end of the decade, in 2019-2020, Nova Scotia projects that they will be $228.6 million ahead of where they would have been.

We have been briefed privately. There is nothing wrong with saying so. Honourable senators and members of the House of Commons were briefed privately a couple of weeks ago by officials from our own Department of Finance. The officials refuse to validate Nova Scotia's numbers and they refuse for good reasons. I understand, and I think we all understand, that many variables are involved in the application of any equalization formula. The statement of our officials is that beyond a year or two, the projections are "purely speculative."

That is where we stand, between the projections put out by the Province of Nova Scotia to 2019-2020, and the position of the federal Department of Finance with regard to projecting that far. It was therefore helpful to have Professor Wade Locke from Memorial University and Professor Paul Hobson from Acadia University. These two people are recognized experts. They have written a lot, and I want to record again our appreciation because they have been generous in sharing their material and time with our committee and others.

• (1500)

When we asked them what they say to these numbers that Nova Scotia has put out, the answer was that they were in the middle of creating some projections and, yes, Nova Scotia could do that well.

As a matter of fact, Nova Scotia could do even better, but we will not know until 2019-2020. There is where matters stand.

I was glad to hear that there is at least a possibility, perhaps a strong one, that Nova Scotia will be appreciably better off, certainly than it was on the night of March 19, 2007, and perhaps even better off than it would have been had the Atlantic accord been respected. However, if Nova Scotia is right and if our academic friends are right, then we will not know until 2019-20, and the net gain, which Nova Scotia says is in the order of $228 million over the period to 2019-20, does not start to be realized until 2015-16.

That is where we are on the question of the Atlantic accord. If someone had brought in an amendment to restore the status quo ante, I would vote for it, as I voted for amendments last June when Bill C-52 was before us. Failing such an amendment, so far as the entire omnibus bill on the budget is concerned, because of the Atlantic accord, I would simply hold my nose and vote for the bill.

Please let me say a word about pre-study. What we have just heard are comments from the chairman of the committee about pre-study. Pre-study used to be a device resorted to much more frequently by the Senate. In my opinion, it can be a very constructive and useful device. Sometimes it was used, as we are using it now, because legislation was slow coming from the House of Commons and we were up against serious time pressures and deadlines. We were able to get ahead of the game by doing a pre-study of the legislation, reporting to the Senate, providing the Senate the material it needs for a proper debate, and then moving much more swiftly when the bill arrived formally before us from the House of Commons.

Our late colleague the Honourable Salter Hayden invented the technique when he was Chair of the Standing Senate Committee on Banking, Trade and Commerce. The committee used it to deal with very complex and highly technical tax legislation that was in the House of Commons. Senator Hayden and his committee engaged the services of highly reputable lawyers and accountants. Indeed, the membership of the committee had some considerable expertise on it. They would pre-study this complex legislation. They would identify flaws. They would negotiate amendments with the Minister of Finance before the bill ever left the House of Commons. A lot of time and energy was saved in Parliament by that technique.

It was also used by other committees for various reasons, but mostly to deal with complex legislation. It was felt that it was much better for the Senate to identify the flaws, to negotiate the amendments, and to have them made in the House of Commons, so that we did not go through the routine of having the legislation come here, amending it and sending it back to the House of Commons.

At some time during the 1980s, the then Liberal opposition, under the leadership of Senator MacEachen and Senator John Stewart, both of whom were well known as House of Commons men, objected to the technique of pre-study, and perhaps we were resorting it to too frequently, but they called a halt. There would be no more pre-study. We would process legislation in the traditional parliamentary way: three readings in the House of Commons, presentation in the Senate, three readings here, and no

pre-study. I think that was a loss, and we have shown today how useful in some circumstances the technique of pre-study can be. I hope we will consider reviving it from time to time in the Senate.

If my friends opposite are worried about what retired Senator MacEachen and retired Senator Stewart might say, they do not have to know. If you do not tell them, I will not spill the beans either.

Those are my comments, which will also go for comments on Bill C-28.

Hon. Consiglio Di Nino: Honourable senators, I have several quick comments. I first want to thank the chair of the committee, Senator Day. We had, as he said, a very fruitful and extensive analysis of this bill, even though we did it in record time. The cooperation by the chair and every member of the committee also bears mentioning.

Senator Day and Senator Murray put on the record pretty well what happened over there. I will just add that the examination was a thorough one of a very complex — and again quoting Senator Day — eclectic piece of legislation covering very many provisions, which will affect Canadians, in my opinion, positively, including farmers as well as the business community. Certainly, there was full participation by the committee members. The report given by Senator Day reflects that participation.

In closing, the passage of this bill will enable the government to implement these provisions. I urge my colleagues to join this side in voting in favour of it.

Hon. James S. Cowan: Honourable senators, I have a brief intervention. I heard the evidence that Senator Day and Senator Murray have described to the house and I think they fairly presented that information. I endorse the comments that Senator Murray made with respect to the apparent fiscal impact on the Province of Nova Scotia. It would appear, speculative as the numbers are, that over time, in all likelihood, Nova Scotia will receive more money than it would have under the Atlantic accord. However, that begs the question that was raised by the tabling of the budget, and that was that that budget, despite the protestations of the Prime Minister and the minister at the time, broke a signed agreement between the Government of Canada and the Provinces of Nova Scotia and Newfoundland and Labrador. That fact has become more and more clear.

A deal has been made which results in more money going to Nova Scotia, in all likelihood of the magnitude that Senator Murray has described to the Senate. The premier of Newfoundland and Labrador has signed on for a year, as a result of which that province will receive something in the order of $66 million or $67 million more than it would have under the previous arrangement.

However, the fact is that the government broke the agreement. For that reason, and despite the fact that the province which I am proud to represent may receive some more money than otherwise would have been the case, I intend to vote against this bill, because it represents a breach of a signed agreement between the Government of Canada and the government of a province in this country. As I said in my speech in the spring on the budget bill, what happened to Nova Scotia and Newfoundland and Labrador in the spring can happen to other provinces if other signed agreements are broken in the cavalier manner in which this one was.

Hon. Pierrette Ringuette: Honourable senators, as a member of the committee I would like to add my comments.

Two important items also need to be raised that were brought forth at the committee.

• (1510)

The first point is the fact that the Parliamentary Secretary to the Minister of Finance indicated in his speech that the current policy and economic situation of the Government of Canada had created 40,000 new jobs. I then asked, "How many jobs did we lose in the forestry sector in the last 18 months?" He said, "I do not know." I said, "Well, is it 40,000? Is it 50,000? Is it more than 40,000?" He said, "I suspect it is more." The loss of very important jobs in the resource sector, in the forestry sector, in those small communities throughout the country is not registering at all. There are no funds in this bill at all to in any way help the forestry sector. That is a shame, because 18 months ago this government said they were resolving the forestry issue. They certainly did, and I say, "Shame!"

The second important issue that I would like to bring forward is that of child care. Honourable senators will recall a discussion in this room, questions and answers in this house, in regard to the cancellation of child care agreements with all the provinces that the prior government had signed and that this government reneged on, saying, and I can almost quote word for word, that they were not worth the paper they were written on.

Last year, in the budget for fiscal 2006-07, this government said that it was putting forward $250 million as a child care creation program via the employer. Yesterday afternoon we heard that not one dollar of that program was used by employers, just as most of us in this chamber said would happen. That was not the right way to do it. It was not the way to achieve the objective. Therefore, when they got to the end of the fiscal year, they made another announcement of $250 million that they would transfer to the provinces so that they could create child care spaces. Honourable senators, that was the same money that had not been used in the employer program. In Bill C-28, we again have an employer-based child care creation program and, from the highlights that we got yesterday, it will not work again.

This morning, at committee, we heard two very good witnesses, and we also had the two professors on the issue of the Atlantic accord. The witness who dealt with agriculture and farmers and the one who dealt with antipoverty both had excellent presentations, but the one who was more worrisome came from the antipoverty organization. It is clear that not only this government, but also the previous government have not dealt with the issue of child poverty, senior poverty and family poverty in this great nation of ours. I say shame on all of us! Shame on all of us for putting petty politics ahead of dealing with the real issues of this land. We need our children to have healthy meals, to have roofs and to have heating this winter. We need them to have that in order to be able to study, to have an education and to be productive citizens in our society. Bill C-28 does not achieve that. It actually exacerbates the problem.

As a senator from New Brunswick, I see what is happening in my province. The federal government is not delivering. Actually, it is cutting funds to social programs. It is cutting funds to post-secondary education. None of us, regardless of party, should accept that. At the same time, this government is negating taxes to be paid by employees of big-time Internet businesses. There were published reports last week in the *Ottawa Citizen* and in the *Gazette* that millions of dollars are given to people who, in my world of New Brunswick, would be considered to be rich. At the same time, I remind honourable senators that this government has caused millions of Canadian citizens to lose vital income by the decision of the government in regard to the income trust issue. Canadians had nothing to do with that decision, but they lost significant amount of money. That was a decision of the government. However, the tax credit that was given to all of these people was not a decision that the government made; it was an investment decision that they made, and that is absolutely unfair.

Senator LeBreton: Maybe you should give them that $30,000 you got.

Senator Ringuette: The bottom line, honourable senators, is that I believe that we are on the wrong path. This government is leading Canadians, including future generations, down the wrong path, where the poor become poorer and the rich become richer. As a Liberal, as a New Brunswicker and as an Atlantic Canadian, I cannot accept that.

Senator Di Nino: Would the honourable senator accept a question?

The Hon. the Speaker *pro tempore*: Would you accept a question, Senator Ringuette?

Senator Ringuette: Absolutely.

Senator Di Nino: Honourable senators, as a preamble, I do not know what meeting Senator Ringuette attended. I was at the same one. I applaud her passion and respect her position, but, having said that, we had an extensive discussion on the poverty issue. The witness was very good. He agreed that the measures that are included in the subject matter we are studying all advance the cause. He said they were minor advances, small advances, but they were all advancing the cause of poverty. We talked about four or five specific issues. Does the honourable senator not agree that that is what the witness said? We can look at the blues to confirm.

Senator Ringuette: Honourable senators, I thank my honourable colleague for the question. I do remember the witness saying that these were purely baby steps that were being taken, and we were looking at the worker tax credit. I also remember the witness saying that, for instance, the 1 per cent GST cut that will come into effect on January 1 would accomplish greater consumer requirements and, in regard to fiscal responsibility, he said that the $6 billion in question, and that is annually, should instead be invested in housing. Our poor need housing.

The witness also mentioned food banks. There are 674 food banks across the country. His comment, honourable senators, was basically that there is no real addressing of the poverty issue. I recognize that Senator Di Nino's heart and mind are in the right place in regard to poverty issues, but he must recognize that when looking at fiscal policy, fiscal policy is also a tool that a government can use to help the most in need.

• (1520)

The witnesses we heard this morning, especially the anti-poverty group, indicated that the fiscal policies are not addressing these needs.

Hon. Robert W. Peterson: Honourable senators, Saskatchewan did not have a written agreement with the Government of Canada regarding equalization. However, we had a moral commitment in the form of a letter signed by the Prime Minister of Canada. Saskatchewan has 800 million reasons to oppose this bill.

Hon. Jane Cordy: Honourable senators, while I am not a member of the committee, I watched the proceedings this morning on my computer and did attend the meeting for a while yesterday afternoon. I thank the senators who participated in the discussion. I was taken with Senator Cowan from Nova Scotia and Senator Murray who, while he is an Ontario senator, has his heart and home now in Nova Scotia.

Like other members of the House of Commons and senators, I attended a briefing session a few weeks ago by the Department of Finance. At that briefing I asked if we could have projections so that we would understand how this agreement was reached between Nova Scotia and Ottawa. The officials from the department told us that they were not able to give us projections and that they did not distribute any projections from the federal level. I asked about the projections that Premier MacDonald is giving in Nova Scotia. Their answer was that long-term projections are unreliable.

Keeping that in mind, and keeping in mind that this bill undermines the principles of the Atlantic accord, a promise was made by Stephen Harper during the last election that he would not break this accord. The accord was created for the economic development of Nova Scotia and Newfoundland and Labrador and not as an equalization agreement. I will not be able to vote in favour of Bill C-28.

We will find out in 2019 whether or not Nova Scotia will receive more money. As I watched the proceedings this morning, I heard it said that Nova Scotia could receive more money, but it is a long time to wait and many things could happen in the next few years. In the meantime, Nova Scotia will be receiving less money than it would have received from the Atlantic accord.

An Hon. Senator: That is not the case.

Senator Cordy: As a senator from Nova Scotia and representing the people from Nova Scotia, I will be voting against this bill.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and report adopted, on division.

SECOND READING

Hon. Nancy Ruth moved second reading.

She said: Honourable senators, as Senator Day said, Bill C-28 implements measures from Budget 2007 that were not included in last spring's budget.

Aside from the measures in Budget 2007, that were not included in last spring's budget, this bill also implements the tax reduction measures from the 2007 economic statement.

Bill C-28 is key to this government's long-term economic plan to build a strong economy.

Government plays an important role in creating the right conditions for Canadians — and Canadian business and organizations — to thrive. Advantage Canada will create new opportunities and choices for Canadians as will measures in Bill C-28.

Honourable senators remember the Advantage Canada plan. That plan focused on creating five Canadian advantages that would help us to improve both our quality of life and our capacity to succeed on the world stage. Those five advantages are: infrastructure, knowledge, entrepreneurial, fiscal and tax advantages.

First, Canada's infrastructure advantage will ensure the flow of people, goods and services across our roads and bridges, through our ports and gateways and via our public transit. We are making the largest single federal investment in public infrastructure in Canadian history. I am talking about $33 billion over seven years for roads, bridges, water systems, international gateways and public transit.

Second, Canada's knowledge advantage will create the best educated, most skilled and most flexible workforce in the world.

The third advantage, an entrepreneurial advantage, will reduce regulation and red tape and lower taxes to unlock business investment, which, in turn, will encourage a more competitive business environment. This will also benefit Canadians. Consumers will get goods at lower prices.

Fourth, Canada's fiscal advantage will eliminate Canada's total government net debt in less than a generation, creating a strong foundation on which to build sustainable prosperity.

Fifth, a tax advantage will reduce taxes for Canadians and establish the lowest tax rate on new business investment in the G7.

The measures in Bill C-28 from Budget 2007, combined with those from the fall economic statement, will help us to establish a legacy of tax relief and create a tax advantage for Canada and Canada's economy and to ensure that fiscal fundamentals are solid.

Our fiscal position provides Canada with an opportunity that few other countries have: to deliver tax cuts that will strengthen our economy, stimulate investment and create more and better jobs.

Put simply, the Government is taking steps to build Canada. We are reducing taxes for Canadians and business taxation while reducing the federal debt.

This fall's economic statement provides a total of $60 billion in tax relief over this and the next five fiscal years. These tax reduction measures are included in Bill C-28. I will outline those measures and illustrate how they will benefit Canadians.

I will start with the proposal to reduce the GST by 1 percentage point to 5 per cent. The combined 2 percentage point reduction represents some $12 billion in annual savings for consumers; that is, $6 billion per point per annum. We are also taking steps to further reduce personal income taxes.

On the personal income tax front, Bill C-28 proposes to increase the basic personal exemption amount to $9,600 retroactive to January 1, 2007. Canadians will see that benefit when they fill in their income tax forms this year. This amount will be increased by $500 to $10,100 on January 1, 2009. This proposal will provide Canadians with an additional $2.5 billion in tax relief in 2007 and 2008.

In addition, Bill C-28 offers more tax reduction by proposing to reduce the lowest personal income tax rate to 15 per cent from 15.5 per cent. This is retroactive to January 1, 2007. This proposal means $8.4 billion in tax relief over this and the next five years.

• (1530)

Businesses will also benefit from the proposed tax reductions in Bill C-28. We are putting business taxes on a five-year track downward — a steady, predictable decline that businesses can count on and plan on.

Bill C-28 proposes to cut the corporate income tax rate. We will make an immediate 1-percentage-point reduction in 2008 in addition to those we have already made. There will be ongoing reductions that will bring the tax rate down to 15 per cent by 2012, from more than 22 per cent today.

With these reductions, Canada's general federal corporate income tax rate will fall by one third between 2007 and 2012, and Canada's corporate tax rate will become the lowest among the major industrialized economies in 2012 and the lowest overall tax rate on new business investment by 2011. In my opinion, that is pretty darn good.

The government has taken action to provide tax reductions that will provide total tax relief of almost $190 billion. The measures from the Economic Statement and Budget 2007 contained in Bill C-28 offer benefits to families, individuals and businesses alike.

Here are some examples of that, honourable senators: The working income tax benefit. This initiative will make employment more rewarding for more than 1.2 million low-income Canadians. Perhaps the benefit could be bigger, but it is a start.

For example, now, a single parent who takes a job can lose almost 80 cents of each dollar earned to taxes and reduced income support, not accounting for additional work-related expenses nor the loss of in-kind benefits.

The Working Income Tax Benefit builds on lowering the so-called "welfare wall," notably for families with children, mainly single mothers with children, through the federal-provincial-territorial national child care benefit supplement.

It is estimated that the Working Income Tax Benefit will encourage close to 60,000 people to enter the workforce. This is a first step and we will build upon it.

Families, in particular, benefit in a number of ways from Budget 2007 measures contained in this bill.

For example, Bill C-38 proposes a measure that builds on an initiative in Budget 2006, the fully exempted scholarship, fellowship and bursary income received by post-secondary students. Specifically, this bill proposes to extend this treatment to elementary and secondary school students effective this year.

Bill C-28 also responds to families who are caring for children with severe disabilities by proposing a registered disability savings plan. The proposed measure responds fully to the recommendations of the Expert Panel on Financial Security for Children with Severe Disabilities. The future income that a registered disability savings plan could provide will help to ensure greater financial security for such children and greater peace of mind for their parents.

Honourable senators will recall the Children's Fitness Tax Credit also from Budget 2006. The proposed legislation we are debating today defines the activities that are eligible for the credit. A key part of the proposed regulations is that substantial additional support will be provided to children who are eligible for the disability tax credit. This recognition of the unique barriers these children face in becoming more active responds to the recommendations made by the Expert Panel for the Children's Fitness Tax Credit.

For businesses, Budget 2007 also contained tax measures to help encourage businesses to grow. One way that Canada's federal income tax system can support entrepreneurs is through the lifetime capital gains exemption.

For example, in recognition of the importance of small businesses, fishers and farmers to Canada's economy, Budget 2007 proposes to increase the lifetime capital gains exemption to $750,000, from $500,000 for these entrepreneurs — the first time it has been increased since 1988.

Honourable senators, long-distance truckers move the bulk of Canada's consumer products and foodstuffs to market, and they have issues around the cost of their meals while they are on the road. Bill C-28 proposes to increase, to 80 per cent from 50 per cent, the share of meal expenses that long-haul truck drivers can deduct for income tax purposes. This increase will be phased in over five years. In a parallel move, Bill C-28 also proposes to increase the percentage of available input tax credits for GST and HST paid on meal expenses of long-haul truck drivers.

Reducing taxes will encourage the growth of small businesses in Canada. The government wants to reduce the paperwork burden for small businesses. To that end, Bill C-28 proposes measures to ease tax remittance and filing requirements for small businesses. Furthermore, this bill proposes to increase the thresholds for the GST/HST annual filing and annual remittance.

These proposals will reduce the filing and remitting requirements of more than 350,000 small businesses, on average, by about one third. For very small businesses, the reduction could be as much as 70 per cent.

In conclusion, then, as I have outlined today, Bill C-28 contains numerous measures that will help families, individuals and businesses — measures that take action based on the five advantages set out in Advantage Canada. The proposed initiatives in this bill respond to each of these advantages and, in doing so, will help make Canada a leader for today and for future generations. Once passed, the measures in Bill C-28 will help build a strong Canadian economy and make our quality of life second to none. Therefore, let us get on with it, honourable senators, and pass this bill and start to reap its benefits.

Hon. Elaine McCoy: Will the honourable senator entertain a question?

Senator Nancy Ruth: Yes.

Senator McCoy: I have a simple question. Has the honourable senator conducted a gender analysis of this bill?

Senator Nancy Ruth: How very kind of the honourable senator to ask that question.

Many of these deductions will impact women, especially poor women with some of these tax deductions. There are many women in small businesses, and really small businesses of one or two employees; they do not even have 10 or 20 employees. The 70 per cent reduction in paperwork will be a huge benefit to them.

To that extent, and so on throughout the bill, I would say yes, senator.

Hon. Tommy Banks: Will the honourable senator entertain another question?

The honourable senator mentioned a couple of times in her speech the necessity to build a stronger economy. I wish to point out that she does not have to, because she was handed a strong economy when she came to office. All she has to do is keep it, and we hope she will.

The honourable senator made a reference of which I am completely ignorant. I know that our national debt is in the order of $400-odd billion, but she used the term "net debt," with which I am unfamiliar. What is the net debt? Does that have anything to do with the long-term debt of $400-odd dollars, as it exists?

Senator Nancy Ruth: I cannot answer the honourable senator's question, but I think the answer is no. I am not sure, and I will get back to the honourable senator. It is not "the big debt."

Hon. Joseph A. Day: Honourable senators, I could not let the opportunity go by, as the critic on this particular bill without saying a few words.

Honourable senators, with your permission, I will continue analyzing Bill C-28, further to my discussion during the report stage on this bill. I thank and congratulate the Honourable Senator Nancy Ruth for her presentation as the sponsor of this bill.

• (1540)

I indicated previously that Bill C-28 is a massive document that includes 14 parts. It covers everything from cuts to GST and corporate income taxes to amendments to various laws ranging from the Farm Income Protection Act and the Federal Provincial Fiscal Arrangement Act to the Canada Education Savings Act, et cetera. I do not intend to re-engage in the discussion with respect to equalization and the Atlantic offshore accord. Honourable senators will have heard from various senators on that point.

I remind honourable senators that Nova Scotia needs Bill C-28 to get the deal it made on October 10, 2007. Newfoundland and Labrador does not need Bill C-28 because it does not impact on the recent agreement reached between the Premier and the Prime Minister. In Nova Scotia, Premier MacDonald will have the best of both worlds with the formula-driven annual calculation and reap the return of revenue from the offshore funds. If the full amount does not equal or exceed the amount that Nova Scotia would have been entitled to under the previous accords, the cumulative difference will be transferred to Nova Scotia. Nova Scotia will always get the best from the various projects if Bill C-28 is passed.

Honourable senators, Senator Ringuette has spoken to the working income tax benefit, which is a new initiative. We heard from a most able spokesperson before the committee, Mr. Rob Rainer, Executive Director of the National Anti-Poverty Organization, who explained the impact of that initiative. One thing that I recall well from his discussion this morning, and that Senator Ringuette spoke to so passionately, is that the analysis prepared by the National Anti-Poverty Organization shows that a corporate executive makes more in 13 hours than an individual who could be classified as "working poor" makes in an entire year.

Honourable senators, we know that we have to do something to rectify this. Mr. Rainer said he went by a sign indicating, "helping the poor in Canada since 1906." If such an organization has been working since 1906, then we still have the same level of poverty today as existed then. We have to redouble our efforts to work on this matter.

With respect to the government's initiative in Bill C-28 in respect of working income tax benefits, Mr. Rainer pointed out that the initiative will provide a refundable tax credit equal to 20 per cent of every dollar earned in income in excess of $3,000. That does not click in until $3,000. When an individual on welfare finds work and gets off welfare, a gap occurs whereby he will lose all of the social benefits that the net provides. For the first $3,000, he is on his own and after that the maximum credit is $500 for an individual and $1,000 for a family. That is far too small, so it should click in for the first dollar earned, as do programs in other countries in the world. Mr. Reiner said that it is not the solution and much more must be done, although it is better than nothing.

We asked for some indication of the cost, but it is difficult to estimate when there are so many variables to factor in, such as how many people will take up the program; who will move off social assistance into the working world; and who the working poor are who will take advantage of this. Mr. Rainer indicated that he felt there would be very little take-up on this particular matter.

I will provide an overview of some clauses in the bill. I will not get into a debate on any of the aspects because they have been explained well by honourable senators on both sides. I will speak about a few of the programs because as so often happens after a bill passes, someone will ask whether it passed and, if so, when it passed. We see far too many omnibus bills of various themes before the house. It is easy to miss a part or two because they are so big. They are all different classes of ideas and it is easy to miss one along the way, when there are so many initiatives in one bill.

Part No. 1 deals with the amendments in respect of the Goods and Services Tax, but not with the proposed reduction from 6 per cent to 5 per cent, which is in another part of the bill. That is an implementation of the economic statement in October-November. This particular initiative was designed to help small businesses, who traditionally make a quarterly payment. The amount of GST that a small business is obligated to collect and report on in the operation of the business has been changed. The numbers have been moved up such that taxable supplies have gone from $500,000 to $1.5 million and the quarterly remittance threshold has changed from $1,500 to $3,000. These are good initiatives to reduce the tax burden on small businesses.

Initiative No. 2 in part 2 concerns amendments relating to excise tax on renewable fuels. Initially, I wondered why we would take away the exemption on renewable fuels, such as ethanol and biodiesel. Government officials explained that the proposed legislation will require renewable fuels to be mixed with gasoline. Thus, it seemed inconsistent to have an inducement to use those renewable fuels by having an exemption. As a result, the government will collect a higher excise tax on renewable fuels and, because more of them will be used, create a major revenue source for the government.

Honourable senators, I have spoken to one of the many changes to the Income Tax Act — the working income tax benefit — and there are about 35 changes to the act in total. For example, an extension of one year to the mineral exploration tax credit, although the mining industry had hoped for longer, to include this fiscal year to the end of March 2008 only. We will no doubt revisit this issue.

• (1550)

Another change to the Income Tax Act is a phased retirement option for pension plans, which is good because it recognizes an aging work force and the many individuals who are still able to work. Anywhere the federal government has jurisdiction over the pension plan, the government authorizes people who draw from that pension plan to receive his or her pension while continuing to contribute to that plan. Under that initiative, the pension plan continues to grow and when the person retires, he or she will reap the benefits of an increased pension. That kind of phased retirement is a good initiative.

Honourable senators have heard about the lifetime capital gains exemption increase from $500,000 to $750,000. That increase is only for small businesses and farmers. It is a good but limited initiative from the point of view of those two groups because the value of their business is increasing.

There is a new program for disability. Honourable senators may think that Canadians with serious disabilities are not likely generating income to pay into the Registered Disability Savings Plan. This initiative provides that other people, such as family members can pay into it and create a plan much like an RRSP for the disabled person. This is a desirable type of initiative. We need to monitor how this initiative is working over time and fine tune it, but this is a step in the right direction.

There is an incentive for provinces to stop taxing capital. The federal government wants to be the only entity taxing capital, so it will provide an incentive in that regard to the provinces that are taxing capital. That is a business efficiency argument.

Concerning the Bank for International Settlements, the bill creates immunity from any prosecution or lawsuits from this particular bank. That is one of those items that sometimes sneak into a bill. This one bank operates internationally. It is not the World Bank, but like the World Bank, it is involved on an international basis. Various countries of the world put an amount into that bank, and it operates as a bank for other banks. Because of a more litigious society, in this legislation honourable senators will be giving that bank immunity from prosecution in the civil courts.

The advanced market commitment is another interesting matter that took several people from the government to explain. This project is a pilot initiative whereby six donor countries, including Canada, commit a significant amount of money — U.S. $1.5 billion — for certain vaccines that might not be produced by pharmaceutical companies without a guaranteed market. Canada, along with five or six other countries, is entering into this program and is committing to buy the vaccines for use in developing and underdeveloped countries. This will be undoubtedly an incentive to pharmaceutical companies to go ahead with and develop the product when the money is guaranteed by developed nations.

There are changes to the Canada Oil and Gas Operations Act. The National Energy Board is being given more authority with respect to the product that is carried in various pipelines.

We heard extensively from a witness today with respect to farm income, and it disappointed me that there was no discussion with respect to woodlot owners. Very typically, in Eastern Canada and Quebec at least, farmers have a woodlot as part of his or her operation. The forest industry is in such dire straits that I would have hoped and expected some initiative with respect to the forestry sector as well.

The next particular amendment is farm income stabilization, which rewords an earlier program. There are two parts to the fund. When the farmer has a good year, he puts money into a non-taxable fund that he can draw out on bad years. The gain is not taxable while in the program. There was another percentage that the federal government put in to a second fund matching a percentage of what the farmer was contributing. This initiative takes that federal government portion and says they can be managed by the farmer and be drawn out on an as-needed basis as opposed to the farmer drawing his portion and having to apply for his portion of the federal government money.

There are many different types of programs for farmers, and they keep changing names with every change of government, which makes them difficult to follow. I would encourage our Standing Senate Committee on Agriculture and Forestry to take a look at all of these programs. What kind of outreach is there to the smaller farmers to give access to and know about these programs?

The minor amendments to the Canada Education Savings Act allow a government department to collect social insurance numbers for the purposes of that particular program.

An area that does show some policy shift and movement is the significant amount being put into the three Ps, the public-private partnerships This initiative will receive $1.26 billion. In this particular bill, we are asked to approve $5 million per year over a period of five years for the creation of an office. We asked where the office is to be, and no one knew yet. Five million will be used for the office to run this new concept of public-private partnerships and to try to lever money from the private sector with respect to federal government infrastructure.

In my view, that is a policy movement we will want to be cognizant of. It goes along with the recent statements and action of selling various federal government buildings. It is part of that policy initiative that is worth keeping an eye on.

Honourable senators, we have heard a great deal about the GST cut, and it appears in this bill. This is the second cut promised by Mr. Harper two years ago when he was running for office. By virtue of his position as leader of the party, having been chosen by the Conservatives to be that leader, he becomes Prime Minister with the plurality of members. I make that point because from time to time we hear that he was elected as Prime Minister. He was elected as a member of Parliament.

Honourable senators, compared to the income tax cuts, the cut in GST does little or nothing to improve the fairness in our tax system. It does nothing to advance Canada's competitiveness in the world economy or advance our productivity. That is the consensus among economists of every stripe and every political party representing organizations as varied as the Fraser Institute, the Canadian Auto Workers, the Canadian Manufacturers and Exporters and major Canadian banks.

• (1600)

If the government is looking for clear evidence of this, then I suggest the government review the *Report on Business* article that appeared in *The Globe and Mail* in October, which gave a good analysis of a GST cut versus corporate and individual tax cuts.

Moreover, the report published in October by the Organisation for Economic Co-operation and Development, OECD, indicates that the preferred approach with regard to tax relief should be to maintain the consumption tax and reduce personal and corporate taxes. Based on that study, any reduction in personal and corporate income taxes tends to stimulate economies and the investments necessary to increase our productivity, enhance competitiveness and improve living conditions.

Over the past two years, honourable senators, a great majority of experts have testified before parliamentary committees and they have argued that the need to increase productivity is the next major economic challenge that Canada faces. The economic solutions advocated by these experts include allowing manufacturers to write off assets on the basis of their useful lives, as opposed to an artificial period of time, and making research and development credits refundable.

Moreover, it seems everyone agrees that cutting corporate and personal income taxes is one of the preferred ways to help increase our productivity. However, none of these experts thinks that cutting the GST is a good idea. Besides, even a study prepared by the Department of Finance concluded that cutting the GST was the worst strategy for Canada to follow.

However, this obvious political myopia is not the only drawback to this bill. A good dose of smoke and mirrors is also part of the equation. Although the Finance Minister claimed that Canadians were overtaxed in his 2006 budget, he proceeded to increase from 15 to 15.5 per cent in the same budget, the lower tax rate.

Now, he has the temerity to call bringing it back to 15 per cent where it was when he first became Finance Minister, a tax cut. That which he took away with one hand he is now giving back, and he calls it a tax reduction.

[*Translation*]

As for the corporate tax cuts proposed in this bill, I will just say that they are pretty much identical to the ones put forward by the Liberals in 2005, and the ones that Liberal leader Stéphane Dion keeps pushing for.

[*English*]

Honourable senators, Bill C-28 is a considerably flawed measure whose shortcomings include the lack of any strategy to deal with looming labour shortages. It makes no provisions for investing in carbon capture and sequestration, or in technologies aimed at recycling water in areas like the oil sands.

It also legislates the betrayal of the law with respect to the Atlantic accord. As I pointed out earlier, the spirit and law of the Atlantic accord has not been met. The premiers want it because they have been offered more money, and they have, in effect, been bought out on this particular matter.

Honourable senators, the point, however, is that this bill is a collection of initiatives in an omnibus bill. It is not an economic statement of the government. We can talk about our differences with respect to economic positions and the overall economic statement and we may well go in different directions with respect to the overall initiatives that we would like to take, but many initiatives in this bill are favourable and worth consideration.

This bill, in effect, is a series of unrelated measures — some of which we can enthusiastically support and others less so. However, on balance, I suggest, honourable senators, that this bill is worthy of your support.

Hon. Wilfred P. Moore: Honourable senators, the Atlantic accord, as has been mentioned by Senator Cordy, is a regional economic development agreement. It has nothing to do with equalization. That was stated in the document.

It also says in the document that the agreement can not be changed without an agreement in writing by both parties. Since the amending agreement has never been signed, are we to assume that the accord remains in place as a legal document?

As was mentioned, Stephen Harper's campaign promise was to respect the accord. Now we see he is not a man of honour; he has broken his word. Nova Scotia premier Rodney MacDonald so testified in his appearance before the Standing Senate Committee on National Finance.

In spinning this new financial arrangement and the discard of the accord, Finance Minister Jim Flaherty and Defence Minister Peter MacKay, from Nova Scotia, said that Nova Scotia could make choices as to whether it wanted to opt for the accord or this new arrangement. The fact is, honourable senators, the choice, once made, is permanent. There is no opportunity for future reviewing of results and choices — yet another breach of faith.

Concerning the briefing by Department of Finance officials, as has been mentioned so ably by Senator Murray, in that briefing they said that they do not create modeling of figures, which I found astounding. If they do not do such number crunching, on what do they base their discussions and negotiations? I think it bears repetition that the Department of Finance officials declined to associate themselves with the increased financial results projected by the Nova Scotia government. As has been mentioned, they termed those figures to be speculative, at best.

The future of my province is founded on speculation through the year 2019-20. In the meantime, my province will receive fewer funds that it would have received under the accord.

It was interesting that those same officials advised us that this financial arrangement could be broken by another administration or, indeed, by itself. This arrangement, like the accord, is not legally binding on the Harper government. Honourable senators, for those reasons, I shall not support this bill.

Senator McCoy: I, too, cannot find it in myself to support this bill for all the reasons that I said earlier this year in June. This bill is an implementation bill, so there is a matter of principle.

I recognize that I would support some provisions in this bill if they had not been bundled, and I have sympathy for our committee, which has done yeoman work in studying this bill.

However, one reason this honourable institution gets itself in so much trouble is because we are not given opportunities to speak out and to act effectively on principle. We are forever being led down this garden path that says we must not defeat this bill or we will have a constitutional crisis. Oh, we must not upset the fiscal arrangements for all those civil servants who are working so hard on behalf of Canadians. Oh, there are larger and bigger reasons for somehow sitting back and letting the principle be gobbled up in some form of amazing emergency.

• (1610)

We saw it again in the bill yesterday. It was about balancing the need for nuclear safety, notwithstanding that we are being led by this government into the Global Nuclear Energy Partnership. On the other hand, there are heart-breaking stories of cancer patients being denied the treatments their doctors would prefer because of the lack of isotopes.

Time and time again, we are brought to this kind of position. In this chamber, we cannot seem to say in an effective way what we should do as senators. As senators, we are obligated to provide sober second thought. We ought to be careful, stand back, look at the regional interests, look at the minority interests and look at the principles. As Canadians, as an elder council, that is what our job will be.

To that I object. However, I also object to the breach of agreement on a clearly regional issue that some senators are forced to swallow. I refer to the Atlantic Accord, not to mention the Newfoundland debacle and Saskatchewan's interests being gored in this particular bill.

The minorities' interests have not been particularly studied. I object to the fact that the two main issues of the day have not been addressed. One of them is climate change. It is time we developed fiscal measures, including carbon tax and carbon trading systems. That issue has not been addressed.

I could go on, but those questions are big enough for me to say, I cannot support this bill. I cannot support it on principle or in my view of my role as a senator of Canada.

Senator Banks: Honourable senators, I apologize for taking this time, but I am inspired by my Alberta colleague, with whom I agree.

I am speaking about this bill but not on the substance of it. When I came here, I had no concept of numbers with more than five zeros. I have learned under the tutelage of Senator Murray that there are numbers that have nine zeros after them. I began to have some concept of what that meant and what we were talking about spending.

I also gained an understanding from the honourable senator of what it is we are supposed to do here. We are supposed to be an institution that reviews legislation. That is what we are supposed to do. However, twice every year — every year coming up to Christmas and every year coming up to June, going back far into the past — we receive a huge bill. It is always a huge bill. There are imperatives in it about which there is no doubt.

I want to add my grateful thanks to Senator Nancy Ruth and Senator Day for undertaking to explain to us in the space of a couple of hours a bill that will spend billions of dollars. How many billions of dollars will it cost?

No one knows how many billions of dollars. It is set out in a bill that we received in this place at about 1:45 p.m. today, a bill for which pre-study was done over the last two days, in yeoman work by the Standing Senate Committee on National Finance. We cannot, in that circumstance, do our job with respect to spending money. The Senate is supposed to be a place that reviews bills. This is a bill, and we have long since been constrained in our task by the short timeline between the time we receive those bills and the time that they "must" be passed.

My concern may be obviated by the device used in this case: the pre-study, something Senator Murray referred to earlier. I suppose we could look at a budget bill the minute it is introduced in the other place and have a lot of time to deal with it. That approach might, in some way, alleviate the short time we have to address the matters that are supposed to be before us, and to which we are supposed to pay attention.

In the past few years, we have caught things in some of those bills that turned out to be mistakes that we fixed later. However, the reason we did not catch them at first is exactly because of what happened yesterday, today and will happen tomorrow. We have been given a bill to spend untold billions of dollars and we have no time to look at it.

I do not know what the solution is. It may be as simple as the one Senator Murray proposed. It may be that we require, from the moment a bill is introduced, a pre-study of a bill that proposes to spend large sums of money such as this. We can do it and maybe we always ought to do that.

One way or another, senators, we cannot go on twice a year excusing ourselves or being expected to be excused from doing among the most important things we are here to do. Government consists of collecting money and deciding how to spend it. That is what government is. We pay virtually no attention to that part of what our government, your government and every government prior to us does in this place. We need to fix that issue somehow.

Hon. Sharon Carstairs: Honourable senators, I also intend to put a few remarks on the record. I was informed that the Minister of Finance was unwilling to appear before the committee on this legislation. My philosophy with respect to that, honourable senators, and I have been Government Leader in the Senate, is if a minister of the Crown wants a bill, he or she better be prepared to come before the Senate of Canada.

The other place sees the Minister of Finance on a regular basis. Members can examine and question. We do not have that opportunity and I think it is proper that we should. I think that, under extreme circumstances, it may be appropriate to have more than one minister of the Crown sitting in this place, but I do not recommend it on a regular basis. Therefore, our only opportunity to hear from ministers is when we deal with their pieces of legislation.

In the past, I have phoned ministers and said: "If you not wish to appear on this bill, you obviously do not want your bill." The minister would say, "Of course I want my bill." My response was always: "Then you better be prepared to attend at committee."

Honourable senators, I know the pressures on ministers. I know that they must scratch for time. However, they have a responsibility to this chamber and that is to have the courtesy to say to every one of us: "I want my bill and therefore I will give you the courtesy of my time."

The Hon. the Speaker: Further debate? Question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

THIRD READING

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker: I will put the question more formally. Those in favour of the motion to adopt the bill at third reading will say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there advice from the whips?

Senator Comeau: Thirty minutes.

The Hon. the Speaker: Do I understand that the leadership on both sides agree to a 30-minute bell?

Hon. Claudette Tardif (Deputy Leader of the Opposition): Yes.

The Hon. the Speaker: The bills will ring and the vote will take place at ten minutes to five. Do I have permission to leave the chair? Thank you.

• (1650)

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Oliver, that Bill C-28 be read the third time.

All those in favour of the motion will please rise.

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Adams	Keon
Andreychuk	Kinsella
Angus	LeBreton
Brown	Murray
Campbell	Nancy Ruth
Cochrane	Nolin
Comeau	Oliver
Di Nino	Spivak
Eyton	St. Germain
Gustafson	Stratton
Johnson	Tkachuk—22

NAYS
THE HONOURABLE SENATORS

Cook	Merchant
Cordy	Moore
Cowan	Peterson
Dyck	Phalen
Furey	Ringuette—11
McCoy	

ABSTENTIONS
THE HONOURABLE SENATORS

Callbeck	Kenny
Carstairs	Lapointe
Cools	Lovelace Nicholas
Corbin	Milne
Dallaire	Mitchell
Dawson	Munson
Day	Poy
De Bané	Sibbeston
Downe	Smith
Eggleton	Tardif
Fairbairn	Trenholme Counsell
Fraser	Watt
Goldstein	Zimmer—27
Joyal	

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, at the next sitting of the Senate.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Hon. Sharon Carstairs: Honourable senators, this is a very rare occurrence to have a bill arrive this late in the session. Would it be possible for us to have a short explanation of what this bill is?

Senator Comeau: As far as I know, this is a bill to fix the residency requirements on rural voting so that rural voters will have their addresses on the electoral list.

My understanding is that the Chief Electoral Officer was very much involved in the drafting of the bill. This would fix a problem that has been pointed out by many Canadians across the country.

Senator LeBreton: Yes; including Senator Milne.

Senator Comeau: If the by-elections were to be called at the end of December — and, they could very well be called by then — if this bill were to receive Royal Assent, the by-elections would be held with this new listing.

I suggest today that honourable senators consider the leave that I am asking for so that honourable senators will be able to reflect overnight on whether or not we might want to look at this. If honourable senators do not wish to proceed with this bill, it will be fairly easy to move the adjournment.

However, this provides us with the opportunity to look at it tomorrow and, if we decide we want to proceed with it, at least by permitting leave that we deal with it tomorrow, it will give us that opportunity. By denying leave and requesting the two days' notice, obviously if we were not to come back next week, we would not deal with it.

• (1700)

This gives us, in effect, the opportunity to deal with it tomorrow, if we should so choose.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[*Translation*]

BANKRUPTCY AND INSOLVENCY ACT COMPANIES' CREDITORS ARRANGEMENT ACT WAGE EARNER PROTECTION PROGRAM ACT

BILL TO AMEND—THIRD READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved third reading of Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005.

Motion agreed to and bill read third time and passed.

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved third reading of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments), as amended.

He said: Honourable senators, I know that the hour is late, but I wish to make a few comments on Bill C-13.

It is important to fully understand the amendments made to the bill by the Standing Senate Committee on Legal and Constitutional Affairs. I will take this opportunity to explain in a few words why I have concerns and do not support two of these amendments.

As honourable senators know, Bill C-13 introduces amendments to update and modernize the Criminal Code by improving the efficiency of criminal procedures, strengthening sentencing measures and clarifying court-related language rights provisions.

Bill C-13, while primarily technical, is nonetheless important as it addresses procedural anomalies, clarifies the intent of certain provisions and corrects some shortcomings in the law.

This bill touches on three main areas of the Criminal Code: Namely, criminal procedure, language of trial, and sentencing.

The Standing Senate Committee on Legal and Constitutional Affairs proceeded to its clause-by-clause examination of Bill C-13 on December 6, 2007. Four amendments were made by the committee to the language of trial provisions, including the creation of two new provisions.

An additional amendment making changes to the coming-into-force provisions of Bill C-13 while a sixth amendment coordinates changes proposed in the same provisions in both Bill C-13 and Bill C-2, the tackling violent crime act which is now before the committee. All other clauses of Bill C-13 were carried.

I will now turn to each amendment.

First, an amendment was made to clause 18 on page 7 by replacing lines 3 and 4 with the following:

> Shall advise the accused of his or her right to apply for an order under subsection.

The key word is "shall advise."

As honourable senators know, the current language of trial provisions in the Criminal Code grants all unrepresented accused people the right to be advised by the judge of their language rights. The present bill only dealt with people who were unrepresented.

Clause 18 in this bill proposed to extend this right to all accused people, but did not impose a specific duty on the judge to personally advise all accused individuals of their language rights.

Clause 18 provided, rather, that the judge "shall ensure that they are advised." Not that he personally had to do it, but to ensure they are advised.

The amendment made to clause 18 by the committee would not only extend to all accused people the right to be advised of their language rights, but would also impose on the presiding judge the obligation to personally inform each and every accused appearing for the first time.

I cannot support this amendment. During the consultation leading to the tabling of this bill, the provinces and court administrators expressed their concern that this would create an unduly heavy burden on judges and the courts, as well as significantly slow down the court process and result in many more delays.

There are many ways of ensuring that accused persons are aware of their language rights, and some provinces have found very efficient ways of so doing. Bill C-13 was drafted with a view to respecting the different provincial practices that are now in effect.

The second amendment regarding language of trial was made to clause 19 on page 7, by replacing, in the English version, lines 31 and 32 with the following:

> (*a*) cause the portions of an information or indictment against the accused that are in an

Clause 19 of the bill grants all accused the right to ask for a translation of the information or the indictment.

The committee felt that the wording of the English version was not as clear as the French one, as explained yesterday by Senator Fraser. This amendment was thus made to the English version to clarify that the entire charging document was to be translated.

Third, an amendment was made to create a new clause 21.1 on page 9 introducing a new section 532.1 in the Criminal Code that would read as follows:

> 532.1 The Minister of Justice shall prepare and cause to be laid before each House of Parliament an annual report for the previous year on the operation of the provisions of this part that includes
>
> (*a*) the number of orders granted under section 530 directing that the accused be tried before a justice of the peace, provincial court judge, judge or judge and jury who speak both official languages of Canada;
>
> (*b*) the number of trials held in French outside the provinces of Quebec and New Brunswick; and
>
> (*c*) the number of trials held in English within the province of Quebec.

The amendments were brought forward to allow for the monitoring of the new provisions to verify whether there may be unintended consequences. I respectfully submit that clause 21.1 may prove very difficult to comply with. It fails to take into account the fact that in some jurisdictions minority language trials will take place without any formal orders under section 530 having been issued. It would thus be very difficult to track these cases that were made without those orders.

In addition, provinces that would be mainly called upon to collect this information do not currently keep such statistics. These are arguments I raised during the committee hearings.

As well, if this type of reporting obligation should be created for the federal government it should rather fall upon the Attorney General of Canada, as is the case, for example, for the reporting obligations provided in section 83.31(1) of the Criminal Code.

In addition, if we are to track the number of trials held in French, it would seem to me that it would make sense to exclude those that take place in Quebec, but it is not clear to me why subsection (*b*) provides that we would not be tracking the number of French trials in the province of New Brunswick.

• (1710)

The fourth amendment, dealing with the language of trial provisions, proposes to add a new clause 21.2 on page 9, which would create a new section 533.1, in the Criminal Code, that would read as follows:

> 533.1 (1) Within three years after this section comes into force, a comprehensive review of provisions and operation of this Part shall be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.
>
> (2) The committee referred to in subsection (1) shall, within a year after the review undertaken under that subsection or within any further time that may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.

The committee considered it necessary to create this new clause to monitor the implementation of the new provisions as well as part XVII of the Criminal Code as a whole.

As I explained during the committee's clause-by-clause consideration of Bill C-13, I do not believe that this new section is needed for Parliament to review the provisions and operations of the language of trial provisions of the Criminal Code.

Section 88 of the Official Languages Act specifically provides for the creation of a committee of the House, of the Senate or both, to review the administration of the act.

In other words, honourable senators, it is superfluous because we already have the Official Languages Act that already has the power to do the very thing that is suggested by this amendment. In my view, that makes the amendment superfluous.

The Criminal Code provisions we are dealing with here were first created by section 94 of the Official Languages Act. That is where the issue arose in the first place. Again, I say the amendment is superfluous.

The creation by the committee of two new clauses in Bill C-13 led to a fifth amendment, which made corresponding changes to the coming into force provision of clause 46 on page 20. This clause was amended to provide that clause 21.1 and clause 21.2 will come into force on a day or days fixed by the order of the Governor-in-Council.

Finally, honourable senators, a sixth amendment to the bill was made to create a new clause 45.2 on page 20, to coordinate changes proposed in the same Criminal Code provisions in Bill C-13, as well as in Bill C-2, which is now before the committee, called the Tackling Violent Crime Act. That section was explained clearly yesterday by Senator Fraser, and I will not bore everyone by explaining it again.

This concludes my comments, honourable senators. I know that Senator Joyal has comments, and I look forward to hearing from him.

Hon. Joan Fraser: I have a question for clarification because I know we all want to hear Senator Joyal.

Senator Oliver, I thought I heard you say that you opposed two of the amendments concerning official languages. Upon listening to you, I thought you said you opposed three of them.

Senator Oliver: It is two. One clarifies the language between French and English. We should agree to that amendment. That was a technical clerical error to make sure that the French and English versions are the same. I do not oppose that.

Senator Fraser: All the rest you do oppose? Thank you.

Hon. Serge Joyal: Honourable senators, I feel it is my duty today to draw your attention to the role that we play in this chamber, especially the senators from Quebec.

Honourable senators know that in Quebec, unique among all the provinces, we represent senatorial districts. We are appointed for a specific district. I represent, for instance, the Kennebec district, which is located in the heart of what we call the "région de l'érable," the maple area between Montreal and Quebec City.

This structure, honourable senators, is not a fantasy of the Constitution. It serves a specific principle. With all the debates that we hear about the renewal, reform and the abolition of this chamber, I remind honourable senators of one of the key reasons why this structure of Quebec regions was agreed to by the Fathers of Confederation. I want to quote from *Protecting Canadian Democracy*, a book that was published some years ago and that many honourable senators contributed to, Senator Murray being one of them.

> The social and demographic reality of Quebec explains the existence of the province of Quebec as a political unit and indeed, was one of the essential reasons for establishing a federal structure for the Canadian union in 1867.

This element of the quotation is the most important one:

> Nowhere was this more evident than in Quebec, where the Anglo-Protestant minority was guaranteed representation in the Parliament through the creation of carefully drawn minority-majority senatorial districts whose boundaries have remained unchanged since 1867.

Honourable senators, as Honourable Senator Oliver has mentioned, this bill could have some unintended consequences on the status of the so-called Anglo-Protestant minorities in Quebec.

Along with many other honourable senators, I thought this bill was drawn up with the good intention and consultation that took place. When I looked at the witnesses that appeared in the other chamber that testified on this bill, I noticed the —

[*Translation*]

— the Fédération des associations de juristes d'expression française, the Fédération des communautés francophones et acadienne du Canada, the Commissioner of Official Languages and, of course, the Department of Justice witnesses.

[*English*]

The Canadian Bar Association or the Barreau du Québec did not testify in the other chamber. They did not have the opportunity because the committee in the other place was constrained by time.

[*Translation*]

The Barreau du Québec, in particular, did not have a chance to sufficiently prepare or organize itself in time to testify, which meant that, when we began studying the bill, we had the opportunity to hear the Barreau du Québec.

[*English*]

Honourable senators, if there is a role that this chamber must perform, it is the duty to hear, of course, representatives of professional organizations that can draw our attention to the status of minority language rights.

[*Translation*]

In its testimony on November 27, 2007, with respect to the bill's provisions concerning the use of English in criminal trials in Quebec, the Barreau du Québec concluded, and I quote page 3 of the brief submitted by the Barreau:

> Unfortunately, the proposed changes to Part XVII could set language rights back for the Anglophone minority in Quebec.

[*English*]

Honourable senators will understand, that when the Barreau du Québec made a comment such as that about the bill, it is our duty as senators, especially senators from Quebec, to pay specific attention to the testimony of the representative from the Barreau du Québec for a specific reason.

As honourable senators know, there is a specific provision in the Constitution, the famous article 133. I see Honourable Senator Nolin. I quote what section 133 of the Constitution mentions in relation to the language in the criminal proceedings in Quebec:

> Either the English or the French Language may be used by any Person. . . . or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

This provision dates back to 1867. In fact, it dates back to 1774. When the Quebec Act was adopted by Westminster, it was to provide, for French-speaking Canadians of the day, the capacity to be tried in their mother tongue, namely French.

• (1720)

Through the years, the situation reversed with the change of demographics in Quebec. That section came to protect the anglophone minority in Quebec. Hence, when the Fathers of Confederation drafted the Constitution in 1867, section 133, was to protect the language of pleading. The language of pleading, honourable senators, if it had been given a strict definition, would have been restricted only to the language used by the attorney. We know it is pleading. However, through the years, the courts in Quebec and in Canada have interpreted the scope of section 133.

The scope of section 133, according to Canadian jurisprudence, as it was well stated in the brief of the Bar of Quebec, includes not only that the court will use the language chosen by the accused, but that the judge will understand that language and that the Crown attorney too will use that language. In other words, the trial will not be interpreted through the services of interpretation. The right of an accused to be tried in his or her language of choice is a substantive constitutional right.

That right was confirmed by a decision of the court in 1999, the famous *Beaulac* decision. I know that many senators, especially those who attend the sittings of the Standing Senate Committee on Official Languages know about that *Beaulac* decision. In other words, to be tried in the accused's own language is a constitutional right. It is not a procedural right, but a substantive constitutional right.

What has happened through those 230 years or so of the use of official languages in the Quebec court justice system — and I restrict my approach today only to the criminal one — is that the province of Quebec has developed an overall capacity to use one or the other language at each and every step of the procedure. That capacity exists, not only when the act of accusation is tabled but when all the other proceedings are engaged in the course of the trial, and even at the appeal level. When a trial is opened at the criminal level in Quebec, it is fully in English or fully in French.

What this bill introduces into the Criminal Code are provisions that are favourable for the improvement of the use of French in provinces other than Quebec. There is no doubt about that, honourable senators. We have heard the Commissioner of Official Languages. We have heard other witnesses who appeared before us and they confirmed that to us. This bill marks an improvement, and I believe the intention of the government was to improve the use of French in provinces other than Quebec.

Unfortunately, some of the provisions, if they were to be applied *sensu stricto* — as the Latin traditional expression states it — it would mean a setback for the use of the English language in Quebec. I will give an example which was well spelled out in the brief of the Quebec bar.

There were co-accused in a mega-trial involving the Hell's Angels that we saw in Quebec some years ago. Senators will remember when we amended. I see many senators who were members of the Justice Committee when we amended the Criminal Code to provide for mega-trials. Honourable senators will remember it was not that long ago.

In Quebec, when there is a mega-trial, if one accused is English speaking and the five others are French speaking, there are two separate trials. The trial is not bilingual. It is not a trial whereby language is interpreted for one accused and the other one speaks his or her mother tongue. It is two separate trials. In other words, there are two capacities, and I think the word "capacities" describes it well.

If this bill is passed as is, it would allow a judge to decide, and the text says, if the circumstances warrant. Therefore it is vague. A judge can decide to try two co-accused in one of the languages of the accused, at the expense of the language of the other accused.

In other words, this provision allows for bilingual trials when there are co-accused who speak different languages. If that were to be applied *sensu stricto* in Quebec, it would mean that from now on in Quebec, there could be some bilingual trials. Of course, we do not want that in Quebec and I am sure that the Quebec government does not want it. However, if a government wanted to make savings in the administration of justice, and with all the public discussion about administration of justice being too costly, a government in future could decide to review the decision to have separate trials in the case of a co-accused. Other provisions of this bill, if implemented as is, in Quebec, could represent a setback in the future. There are two other examples of the same nature in this bill.

Honourable senators, we did not invent that and I am sure the government did not want that consequence. Even the Commissioner of Official Languages did not see it when he testified in front of us on November 28. First, he did not have knowledge of the brief from the Quebec bar because it came late in the process of the study of the bill. Also, members of the committee wrestled with the idea that if we were to amend this bill to protect the situation, that is, a full-fledged protection of the two languages in Quebec, we could create undue consequences at this stage for the francophone minorities outside Quebec, and we did not want to do that.

On the other hand, we wanted to make sure that if, in future, the bill, as defined, would have those unintended consequences, we could be made aware of that and the federal government could take the initiative to protect the minority languages in Quebec insofar as criminal trials are concerned. Thus, we were confronted with this balancing. Adopting the bill as is could have the potential that in future a government might apply *stricto sensu* the

letter of the law, which would mark a setback for the anglophone minorities in Quebec, or we could try to devise a capacity to follow up and monitor the bill.

We chose to adopt the second option, to try to obtain as much information as possible down the road to monitor the situation, hence the idea of asking a committee of this chamber to monitor it. It could be the Official Languages Committee or the Legal and Constitutional Affairs Committee because this issue pertains directly to the Criminal Code and we have been sensitive to that in the past years. Hence, Senator Fraser introduced the proposal on behalf of the committee and, of course, it explains the comment made by our esteemed colleague, Senator Oliver.

On the other hand, however, another concern that we have with this bill came from the brief of the Official Languages Commissioner. The Official Languages Commissioner, in his closing remarks, drew our attention to the fact that in 1990, there was a study published by the Department of Justice called *Environmental Scan: Access to Justice in Both Official Languages*. In other words, in 1990 the Department of Justice went to great lengths to review the conditions in which the use of the two languages in criminal trials could be improved in Canada. Honourable senators, I notice in the recommendations, 21 recommendations dealing with the federal government.

• (1730)

When we ask the Official Languages Commissioner what happened with all those recommendations, the Official Languages Commissioner deplored that, after 25 years of Charter rights, which we celebrated this year, there has not been sufficient progress.

In the other place in 2005, a committee of the House of Commons drew the attention of the government to the lack of judicial capacity — that is, at the level of judge and Crown attorney — to ensure that the right to have a trial in one's own official language is satisfied after so many years of discussion.

Hence, we conclude that we should monitor that in a very specific way. Honourable senators, being tried in one's language has enormous consequences for one's freedom. We are talking about criminal justice. Criminal justice ends up, if one is found guilty, with imprisonment, so it is a very strategic capacity. It is up to us as the Parliament and the federal government all together to ensure that we make progress, considering that this report dates from 1990. That is 17 years ago.

Honourable senators, when the Official Languages Commissioner came to testify, he did not have a copy of the report. When I went to the Internet to get a copy of it, I got a report two inches thick, if I can use imperial measurements. I was educated in imperial measurements, and I like that word anyway.

The report must be acted upon. There is no question about that. I know the government has good intentions; I do not doubt the good faith of the Department of Justice, but we know the weight of the system. If we do not push on the system, very few things happen. Something may happen when there is a crisis, but if we want systemic improvement, there must be capacity in the system to follow up, which is why we put those two recommendations in the report, and that is why they are included in the Criminal Code.

Honourable senators, I do not want to play politics with this, but for a Canadian citizen who wants to contest those provisions on the basis that they feel that they have a grievance through not having been tried in the language of their choice, the Court Challenges Program was formerly available. It is no longer available, and I deplore that. Today is not the time to debate this, but this is a clear case where the Court Challenges Program was very useful.

I conclude with the last paragraph of observations that we added to our report, which deals with Aboriginal languages.

Honourable senators, the court in Canada has on many occasions recognized that interpretation creates a wall for people who do not speak one or the other official language. I want to quote a Justice whom some of you may know: Madam Justice Joncas in Quebec, stated clearly: ". . .the wall of interpretation however thin it may be. . ."

Put yourself in the situation of a person in a criminal trial who does not understand the language and must rely totally on interpretation.

Honourable senators, Aboriginal Canadians, especially those in the North, find themselves in that position more often than not. The committee expressed a concern that there be a capacity to train judges and legal personnel who could help and, especially because this bill refers in section 21 to Nunavut, that there be the capacity in the future for trials to be conducted in Inuktitut.

Honourable senators will understand that this bill started as a good bill. There is no question about that. There were other questions we dealt with in the report that the chair has tabled. There are elements in the comments made by Senator Oliver that are important and real. However, we are faced with the question of whether to just close our eyes and wait, or do something more to ensure that we progress on the road of equality of rights in terms of criminal justice in Canada. We opted for a solution that might not be the best solution in the world — I agree, Senator Oliver — but in the context of where we are now, for the rights of francophones outside Quebec and the English minority in Quebec, it is the best of both worlds.

Senator Oliver: Could I ask Senator Joyal a question?

Senator Joyal: Of course.

Senator Oliver: In his remarks, the honourable senator indicated that the Canadian Bar Association did not appear to give evidence and make a presentation. I agree with him that when the Canadian bar does analyze a bill, it is normally wise to look at their reports, as they often give issues very serious consideration.

Would Senator Joyal agree with me that on this occasion a representative from the bar did not appear as a witness but they did study the bill, prepare a report and table it, and their report said that the bill was fine and did not need the amendments that were proposed?

Senator Joyal: I thank the honourable senator for the question. I have a copy of the letter sent by the Canadian Bar Association. It is dated December 5, 2007, so it is very recent. The letter from the bar association is a page and a paragraph long. In all truth, I do not want to contradict the honourable senator — I hate to do that; it is not my way of doing things — but they do not address in their letter the specific provisions that deal with language. They deal with other aspects of the bill but not with the language provisions of this bill.

I have read the letter carefully. I have it with me. I can table it, but I do not think that is necessary; it is part of the proceedings of the committee. They do not address that specific issue; they deal with other aspects of the bill.

[*Translation*]

Hon. Pierre Claude Nolin: Would the honourable senator go so far as to say that, without his amendment, the bill before us would contravene section 133?

Senator Joyal: Honourable senators, as you know, Quebec courts have ruled on the scope of section 133 with respect to the right to use Quebec's second language — English, as it happens — in trials. Quebec courts have allowed a broad application of this right, even to appeal hearings, something the bill before us does not even mention. This means that in practice, we find ourselves in a somewhat contradictory situation.

Quebec's jurisprudence is broader than the scope of this bill. There has also been considerable jurisprudence concerning the provisions in section 16 of the Charter for 27 years now — it went into effect as soon as the new Constitution was signed — including *Beaulac*, which made a significant constitutional interpretation of the right to a trial in the official language of one's choice and confirmed, in a way, the interpretation the courts gave to section 133.

In other words, the letter and the spirit of section 133 as written offer a relatively narrow interpretation. Combining it with the interpretation of section 16 of the Charter broadens it considerably. That is what led to Quebec's decision to offer separate trials to co-accused who speak two different languages. It relates to Quebec's interpretation of its obligations under the Charter, not under section 133.

As you can see, this matter is perhaps not difficult, but complex. The overall goal is to ensure that minorities have access to an appeal process conducted entirely in the language of their choice.

• (1740)

This bill does not allow the accused to have a summary of the evidence in the language of his choice. Imagine you, an anglophone, were given a three-inch-thick ream of evidence in the other language. Would you have to have it translated at your own expense to understand it? There can be no equity in that kind of trial.

You will understand that, for certain provinces, providing service in the other language will entail significant additional expenses. However, the Supreme Court has determined that it is a constitutional right that basically cannot be measured in budgetary terms. It is a substantive right provided by the Constitution and, therefore, we must be able to organize and adapt the system to provide the sought after legal equality which, in Quebec, is currently exemplary.

I am not criticizing the current situation in Quebec. I am simply stating that if a government wanted to apply the content of this bill literally, it would be a setback. And no one in this chamber wants to confirm that and that is the reason for the proposed amendments.

Senator Nolin: As a result of the *Forest* decision, we now know that Manitoba enjoys rights similar to those mentioned in section 133. The Supreme Court pointed that out and we are all familiar with the consequences of that decision. In the honourable senator's amendment, there are specific geographical references, namely Quebec and New Brunswick.

Why was Manitoba not included in the amendment? The same situation could arise in Manitoba and Manitobans will be able to invoke section 133 and claim that they too have rights. Court interpretations of section 133 for Quebec will apply to the similar article in the Manitoba Act.

Senator Joyal: Honourable Senator Nolin has stirred my memories of the *Forest* case. At the time, I was in the other place. Again, I am not saying it to rub salt in the wound.

[*English*]

At that time, Mr. Forest had no money to go to court, so he appealed to the Secretary of State, and I was Secretary of State at that time. To remind honourable senators of a historical anecdote, as Secretary of State, I had the discretionary capacity to offer financial support but, before doing that, I requested the opinion of the Department of Justice to be sure I was not wasting the taxpayers' money for no reason and with no legal basis. The legal opinion I received from Department of Justice, which is not sealed by the Privy Council, and that I received through the deputy minister of the Department of Justice at the time, was that in principle, Mr. Forest may be right, but in practical terms the consequences were so overwhelming, and all encompassing, that it was contradicted by reality. They said he might be right in principle, but in practical terms the consequences were "unbearable." They recommended that we not finance it. I made the decision to give the money; not my money but the Canadian taxpayers' money. As honourable senators know, Mr. Forest succeeded. The federal government then, and I was still Secretary of State, signed an agreement with Howard Pawley, premier of the province at that time, to assume part of the cost of translation.

To answer the honourable senator's question directly, Manitoba is not excluded. It is included. New Brunswick, and I see our honourable colleague in the chair, has a special mention because New Brunswick, under the Charter, is specifically covered at section 16(3) and section 16(4), and provided for the same kind of equality that the anglophone minorities in Quebec enjoy. In other words, even though there might be a reconciliation interpretation to be made between section 133 and the Charter, in the case of New Brunswick, it is specifically mentioned. Their data will be part of the statistics gathered by the Department of

Justice and made available to us. They will be part of the statistical data needed to monitor the progress that we want to see realized in short term with the objective of the equality.

[*Translation*]

Senator Nolin: I think we should agree on the fact that, while the risks raised by the Barreau du Québec are quite minor, they do exist and we cannot ignore them.

Could these risks arise in other provinces? I gave the example of Manitoba, but I could just as easily have used Alberta. Do the amendments set out special measures for Quebec's anglophone minority? Why not apply the amendments to other provinces with minorities?

I suspect that these amendments will cause compliance problems for the provinces responsible for administering justice. Even if the deputy minister found it to be out of proportion, a right is a right, and there can be no abdication because abdication has a price.

In terms of Quebec and New Brunswick specifically, are we not isolating two regions of Canada by not covering others that could experience similar difficulties?

[*English*]

Senator Joyal: As I understood the way the bill was drafted, it was after consultation. That information is in the minutes of the committee. There was ample consultation. As a matter of fact, a representative from the Fédération des associations de juristes d'expression française de common law testified that they were consulted and they were satisfied with the bill as drafted, as far as the francophone minority is concerned. We heard the Commissioner of Official Languages testify to the same effect. As I said, we were satisfied that the bill marks progress but, as I explained, in some instances, if someone wanted to review what is done in some provinces, they could use those sections. The level of development of the two languages in criminal justice is not the same in each province. There are what I call exemplary situations, and I can say humbly, honourable senators, that I think the province of Quebec is an exemplary situation in relation to criminal justice. We can discuss other areas, but in relation to criminal justice, for all the reasons I have given, for 230 years of history, the system serves the anglophone minorities well in Quebec. I have not heard recently, nor read about, any criticism.

In other regions or provinces such as New Brunswick, I remember very well Premier Hatfield originally supporting the constitutional resolution and asking for those specific paragraphs of section 16, paragraphs 2 and 3. It was with the political will that the situation in New Brunswick would have the constitutional parameters to establish that equality or the same measures of justice in terms of use of languages in the criminal justice system in New Brunswick. There is no doubt about that.

• (1750)

In other provinces the capacity developed in a progressive way. Ontario has made improvements. In some provinces — I do not want to name them — it is much more difficult. The court challenges program was used to implement section 23 in many provinces. The point is that there is a variation of languages available. However, if you only implement what is the minimum, for some provinces, it could open the door to a set back. No one wants that and I am sure no province wants that.

When called to legislate on a bill relating to criminal justice and representatives of the bar associations point to specific sections of the bill, we have to ensure that we manage the system in a way that we will be watchful. Another province, as you stated, may observe the letter of this bill and say we have no more progress to make; we will implement this and be finished. That is not the spirit of equality toward which the Charter aims.

Remember, the charity has two purposes; it has a remedial purpose and a purposive purpose. If you say this is the minimum and we will not do more, you do not serve the spirit of the Charter.

We are supposed to celebrate the twenty-fifth anniversary of the Charter. That is a priority to me, personally, in relation to criminal justice because of the consequences when you do not have access to a full trial in your own language.

That is why we will have to monitor the situation. We could monitor it at the Standing Senate Committee on Legal and Constitutional Affairs, but I think language communities could also do it. We need a firm will in this bill to do the monitoring.

We all know there are competing objectives and it is the objective of the day that receives the closest and most careful attention. Such objectives are rooted in the existence of our country and we must ensure we make progress on that. Honourable senators, we recognize the recommendations made are not perfect, but at least we will have a procedure to monitor it and to ensure there is no reversal of fortune, as the well-known movie of the same title mentions. We do not want a reversal of fortune; we want good fortune in the future.

Hon. A. Raynell Andreychuk: The letter from the Quebec Bar Association came rather late and then they testified. They were asked at some point whether there was a risk. As lawyers, they will look at all options and say, "Yes, there could be this risk," which the honourable senator has pointed out. They did not say it was an imminent risk; they did not believe it would happen; there was no evidence to say that there would be any diminution of rights within Quebec. All of the testimony indicated that the department had worked very closely with the francophone community, the provinces, the bar and the judges association.

In other words, all those who were involved in the justice system have been working, albeit slowly. We are not there yet, and no one said this bill was the answer to ensure equal opportunities across Canada. However, these were practical, efficient and appropriate steps to take while we continue to work on it.

We must give our colleagues at the Official Languages Commission due credit that they continue to monitor and track the situation and sometimes encourage or tell us we are not doing enough.

Why would we put in place a process that seems to say we distrust all of that goodwill that has been mounting over the years through case law, et cetera? Why is there a necessity for this amendment that says let us get more information when we have

information services working out there that have bought us to this point? As Senator Oliver said, there are things that we are asking that may be impractical and it may signal unintended consequences that would not otherwise be there.

While one may try to ensure no unintended consequence, my fear is that there will be unintended consequences with this amendment that could be more of a setback from our current position. I believe there is no substantiation of the fear; where does the fear originate?

Senator Joyal: As I said many times, honourable senators, there is no present situation in Quebec — I will talk only about my home province — that would lead us to conclude the present government would want to curtail any rights. On the other hand, there are always discussions in relation to languages in the province. As honourable senators know, there is a commission currently touring the province wherein presentations were made that are totally contrary to what I call the Canadian spirit.

There are always people who fear a cultural threat — that anglophones are treated better in the province and, therefore, that must be contained and not expanded. We all know what "contained" means.

If we approve a bill like this one dealing with languages, it should be because we want to ensure what already exists is maintained and improved and where there is progress to be made, that we monitor the progress. We do not want to tell the provinces what to do. Parliament is responsible for the implementation of the principles of the Charter in relation to a bill. We want to be sure that we not only keep an eye on what we have, but also on how to develop the capacity to improve the system.

As the testimony of the Official Languages Commissioner shows, after the 1990 study, the 21 recommendation have not received the proper consideration that they should have received in the context of access to criminal justice on an equal footing. We all recognize that. In order to move on as parliamentarians, we have a responsibility to not endanger what we have already. It is there and we want to maintain and develop that. On the other hand, we want to continue to make progress.

I have no fear, honourable senators, regarding the situation prevailing today that has been developed in the provinces.

[*Translation*]

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Joyal's time is up.

[*English*]

Are you asking for more time to finish?

[*Translation*]

Senator Fraser: If Senator Joyal obtains leave to keep answering questions, I have one.

[*English*]

Senator Joyal: Honourable senators, I am convinced that we have a responsibility to discharge in this Parliament of Canada in relation to linguistic rights for the very reasons I have provided. They are our substantive rights, protected by the Constitution, at the foundation of our country. When we come to the conclusion that we have to monitor the situation as parliamentarians, not as administrators, over a period of three years, it will provide the opportunity to those responsible to take decisions and to satisfy themselves that they have discharged their responsibility; and we, as parliamentarians, will have assumed our own responsibility in relation to minority rights.

• (1800)

Senator Fraser: Honourable senators, as an English Quebecer, let me begin by saying that the treatment of my community in the courts of Quebec is, as it has historically been, one of the glories of this country.

The Hon. the Speaker *pro tempore*: Honourable senators, it being six o'clock, do you agree that we do not see the o'clock?

Senator Stratton: We will not see the o'clock.

Senator Tardif: Agreed.

Senator Fraser: It has always given me great pride to be able to say elsewhere in Canada, and elsewhere in the world, how wonderfully the justice system in Quebec handles the needs of the English-language minority in that province. I continue to feel that pride and I have no reason to believe that will change.

However, the brief from the Barreau du Québec raised a serious question about unintended consequences of the laws that we pass and about the natural tendency in bureaucracies to take decisions that seem rational and that seem to respond to various imperatives, yet may end up damaging minority rights.

These are not always hypothetical dangers. In my province, in the past 30 or 40 years, in other fields, other than the justice system, there have been administrative decisions taken that have, in fact, had a damaging effect on various services provided to the English-language community. I am thinking particularly of health and social services.

Many times, most times, maybe all the times, these decisions were not taken out of malevolent intention toward anglophones. They were taken by bureaucrats in the provincial capital who looked at tidy maps and said: We can save some money and it will all be so much more efficient if we do it this way. They were blind to consequences for minorities. If it can happen in Quebec, it can happen elsewhere, absolutely, and I am sure it does happen that francophones, in provinces where they are minorities, must, on a daily basis, be aware of all the many decisions that are taken by their provincial government's apparatus that may have unintended damaging consequences to them.

It is in no way an attack or an assumption of malevolent intention to be aware that these things do happen, nor is it irresponsible, in my view, of the Senate of Canada to try to say that we should therefore keep our eyes open.

It has been suggested that the gathering of statistics about trials held in minority languages, and about orders given for such trials, would be a great administrative burden. I do not believe this to be

the case. As members of the Standing Senate Committee on Legal and Constitutional Affairs know, the Centre for Justice Statistics already gathers data on matters far more complex than that, such as recidivism. I cannot begin to enumerate the incredibly detailed, complex series of data that that centre provides for people who require the information.

What I think is particularly important in the amendment that the committee adopted is not just the gathering of data but that that data must be brought to Parliament every year and not languish in a bureaucratic file someplace. Parliamentarians must have it shoved, if I may be so crass, under our noses. That is very useful, because, as you know, we are all extremely busy and sometimes we need to have something really shoved under our noses before we realize that it is time to pay attention again. I do believe that this amendment is important.

Similarly, the Official Languages Committee of the Senate and the corresponding committee of the other place have an enormous responsibility to cover a vast array of topics. I do not know whether, in three years' time, it would be that committee or the Legal Affairs Committee or the Social Affairs Committee; it could be any one of a number of committees of this place that might be asked to re-examine this matter. However, it is appropriate to require that a committee of this place be tasked with examining the implications of what we are doing in this bill.

I agree that this is a good bill. It represents clear and wholly desirable progress for francophones in provinces other than my own. I would never wish to stand in the way of its implementation, but I do not think there is anything wrong with asking that information be made available and examined when the time comes.

[*Translation*]

I would like to say how moved I was by the reaction of my francophone colleagues from Quebec and the other provinces as soon as we indicated there might be a problem for us. Their reaction was sincere, immediate, very sensitive to the highly complex realities of this vast country, and imbued with the desire to do what is best for all Canadians, especially Canadians from minority language groups. I thank them for that.

On motion of Senator Comeau, debate adjourned.

[*English*]

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Reports of Committees:

Hon. Joseph A. Day moved the adoption of the third report of the Standing Senate Committee on National Finance on Bill S-215, An Act to protect heritage lighthouses, presented in the Senate earlier this day.

He said: Honourable senators, I will provide some background to this third report. It is a report on the study of Bill S-215, an act to protect heritage lighthouses. The committee studied the bill as mandated by the Senate and reports several amendments. I believe that under the rules of the Senate it is incumbent upon me, as Chair of the Committee, to explain the amendments.

• (1810)

Senator Carney is the sponsor of Bill S-215 and, as honourable senators know, she will be leaving the Senate soon. Tributes were paid to Senator Carney in the chamber yesterday. It is usual for honourable senators to show some sensitivity to departing senators who have a private member's bill before the house and the committee did that during its consideration of the bill, just as the Senate did by referring the bill to the Finance Committee.

Honourable senators, this is the third time that the Heritage Lighthouse Protection Bill has been through Senate and it was in the House of Commons when prorogation occurred. Each time it was re-introduced by Senator Carney with the changes and suggested amendments accepted by Senator Carney. This latest version presented in this new session contains all of those amendments.

At committee, there were further discussions with government officials and Senator Carney. The majority of the amendments that appear in the report were worked out between Senator Carney and government officials. One amendment was to change the wording from "preserve" to "conserve" with respect to the protection of heritage lighthouses.

In several places in the bill, the wording at second reading was "related built structure," in reference to the lighthouse and the related structures. The government had asked that it be changed to "related building" and the committee determined that it should be "related structure." That change appears in several places.

The committee added a new paragraph and I am advised by legal counsel that it would be appropriate for the committee to suggest a renumbering before sending it to the House.

MOTION IN AMENDMENT

Hon. Joseph A. Day: Therefore, honourable senators, I move:

> That the Third Report of the Standing Senate Committee on National Finance be not now adopted but that it be amended:
>
> (*a*) at amendment no. 18, in the French version, by replacing the heading « **MODIFICATIONS CORRÉLATIVES À LA LOI SUR L'AGENCE DES PARCS CANADA** » with the heading « **MODIFICATIONS CORRÉLATIVES À LA LOI SUR L'AGENCE PARCS CANADA** »; and
>
> (*b*) by adding amendment no. 19 as follows:
>
> "19. *Renumbering:* Renumber clause 7.1, the clauses that follow and cross-references thereto, consequential upon these amendments."

Hon. Lowell Murray: Honourable senators, I will not abuse the courtesy and patience of the house. Those additional amendments are entirely at the recommendation of the committee's legal counsel. Senator Day has stated the position correctly. This bill has come back from committee amended. On behalf of Senator Carney, I want to say that all of these amendments were the

subject of consultations with her and me and officials of Parks Canada and ministerial staff from the offices of the Ministers of Environment, Fisheries and Oceans, and the Leader of the Government in the Senate. I thank all of those people for their forbearance.

All but one of the substantive amendments have been agreed to by both sides. I simply want to draw the attention of honourable senators, as Senator Day did, to the one exception in the original bill as drafted by Senator Carney:

> The minister would have the authority to designate not just a lighthouse but any related built structure.

That phrase, "any related built structure" was too broad for government officials and they suggested "any related building." The term "any related building" was too narrow for Senator Carney. It was her view on the basis of evidence at committee in a previous session that a phrase as narrow as "any related building" would effectively disenfranchise or disqualify 51 of the 52 lighthouses in the province of British Columbia. This is not, of course, an outcome that any of us would wish to happen.

We searched for a compromise between her original draft and the government's suggestion, and we came up with "any related structure." I must say the government could not accept this because the officials said that they could not go beyond the mandate given by cabinet. However, they had no opportunity to go back to consult with the relevant ministers, so I drafted an amendment that passed the committee, on division.

Senator Carney and I, as well as those who supported us, knew that "any related structure" is not too broad and we narrowed it by adding specificity in a definition as to what "related structure" will mean. It will mean:

> (*a*) any building on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse; and.
>
> (*b*) any structure on the site on which the lighthouse is situated, the maintenance of which is necessary in order to provide access to the site.

There you have it, honourable senators. I hope that when this bill goes to the House of Commons and when this particular amendment reaches the ears of ministers, they will be receptive, as they should be, to the compromise that we put forward together with the definition that we have built into the bill. This is acceptable to Senator Carney, as the author of the bill, and should solve any concerns that ministers or the government might have about the scope of that definition. I thank honourable senators for their courtesy.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion in amendment agreed to, on division.

• (1820)

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the report, as amended?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division

Report as amended adopted, on division.

THIRD READING

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

Hon. Joseph A. Day: Honourable senators, I move that the bill be read the third time now.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division

Motion agreed to and bill read third time and passed, on division.

[*Translation*]

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Goldstein*)

Hon. Roméo Antonius Dallaire: Honourable senators, I realize it is late, but I think this bill requires urgent attention. I will respond to Senator Segal in order to help move this bill forward, because, essentially, reservists are currently deployed and their jobs are now at risk. If I may, I will be as brief as possible.

[*English*]

Honourable senators, I rise today to lend my support to Bill S-202, an Act to amend certain Acts to provide job protection for members of the reserve force while operationally deployed and so employed in the federal government.

Since the second reading speech by the sponsor of the bill, our colleague, the Honourable Senator Segal, I took the liberty to solicit opinions on job legislation from retired and active members of the Canadian Forces regular and reserve components. Although the sampling in terms of numbers was relatively small, I ask that honourable senators understand that there was an extensive and quick response from those solicited. That response alone demonstrates that this issue continues to be a topic of high interest within the reserve community and the Canadian Forces as a whole.

I also point out that those who responded have a variety of backgrounds in terms of their military service and civilian occupations: reservists at some point in their life, senior public servants, private business owners, private business employees, senior regular force officers and so on.

In other words, an extensive variety of backgrounds added credibility to the observations that were made.

As a result, I received a broad range of thoughts on the issue, in fact, much more than I alone could have provided.

[*Translation*]

I do not think I am wrong when I say that there was virtual unanimity on the need to protect the jobs of reservists who volunteer for active duty.

One of the respondents — someone who had a lengthy career in the reserves had commanded a reserve unit and a district of the reserve, and has been an eminent Canadian outside his service in the reserve — said that they had been recommending this measure in the 1970s and that the job protection in Bill S-202 should have been provided a long time ago. He added that there should also be a similar provision for students in educational institutions such as universities, colleges and public or private technical schools. After their service, students should have the same right to return in their institution of learning without penalty.

[*English*]

Job protection legislation was supported by individuals I consulted. However, a number of concerns remained regarding how it would be implemented, the bottom line being, once a law comes into force how will the supporting policy and procedures be developed to implement it across the country with fairness and consistency?

I understand that this bill will amend the Canada Labour Code, the Public Service Labour Relations Act, and the Department of Public Works and Government Services Act. As such, it will affect only employees that fall under these federal jurisdictions.

These employees represent 10 per cent of all Canadian workers. The other 90 per cent fall under the jurisdiction of provincial labour codes or standards.

It is worth noting that Saskatchewan, Manitoba, Nova Scotia, and Prince Edward Island have already enacted legislation with the aim of job protection for their reservists. New Brunswick and Ontario are currently debating legislation to this effect.

Enacting such legislation at the federal level would show some leadership nationally, and it can be reasonably hoped that this legislation will prompt the remaining provinces and territories to do the same with their employees.

[*Translation*]

The discussion of this bill has provoked other comments from reservists. First, just through being a reservist and the experience they acquire during their leave for basic or special training, or during a deployment in Canada or abroad, the reservists are gaining considerable life experience and improving their overall leadership skills. These are valuable assets that will be of benefit in their civilian jobs and will increase their professionalism and long-term potential.

Unfortunately, there is reason to believe that bosses and supervisors do not always appreciate the value of these new assets and new abilities that reservists bring to an organization.

A provision in the Government of Canada's administrative legislation authorizes federal public servants to request special military leave, but far too many managers are opposed to it. There is not much support for this provision from managers in the public service. That attitude needs to change.

Members of the reserve and regular forces serve their country within the framework of unlimited liability, which is the foundation of the social contract between the soldier and the state, the nation. This must be understood and respected by all ministers and parliamentarians.

As parliamentarians, we must strongly encourage senior officials in all departments and Crown corporations to support the bill and, once it comes into effect, to ensure strict compliance with and conscientious enforcement of the bill. The public service must lead the way if we want the provinces and the private sector to comply with the legislation.

A full commitment from both the public and private sectors will be crucial in order to make this legislation a reality and for it to be universally enforced throughout the country. Its success depends on that commitment.

[*English*]

A second observation raised concern about how the legislation would be applied to the various types of employees within the federal public sector. It is perfectly applicable to the indeterminate or permanent staff employees. However, it may create difficulty for term and casual employees as they are hired for short-term work needs, such as spikes in workload, maternity leave replacements, fixed-term projects and so on. I believe we should ask whether the federal government, as an employer, should be stuck with guaranteeing future employment for work that simply may not exist.

Therefore, I think in this case the casual employees, namely, those who have 90 days in any one calendar year, term employment and military leave should not have the effect of lengthening the employment contract. Alternatively, the federal government should be required to guarantee employment only if the casual or term contract were to run for some period beyond the military leave process.

In conclusion, I thank the retired and serving reservists and regular member of the Canadian Armed Forces that have provided the insight I shared with honourable senators today. I hope their comments will be helpful in considering this bill.

• (1830)

To reiterate my original position, I fully support Bill S-202, as initiated by the Honourable Senator Segal. This bill should not languish in debate; however, debate is always essential.

The reason I support this bill is that we have had a number of reservists who have worked for the federal public service that have lost their jobs because they have been committed to missions overseas. Those missions require that 20 per cent to 30 per cent of the forces deployed be reservists. Therefore, there is a sense of urgency.

In order to move this bill from this place to the other, I would like to initiate the possibility — without having discussed it with the Leader of the Government — of perhaps moving the bill to second reading and committee today.

Hon. Colin Kenny: Will the honourable senator accept a question?

Senator Dallaire: Yes.

Senator Kenny: As I understand this act, it applies only to federal public servants. Does the honourable senator see it leading to a bill that would affect private employers?

Senator Dallaire: In curtailing my presentation, I reduced three pages in which I touched on that point. From my previous experience, I have always supported such an act. However, I think that a move to the private sector would create two elements that might produce difficulties. First, big business can absorb that capability, but small businesses that do not have much flexibility and might find it difficult to promise that capability.

However, if we moved down that road, there are possibilities for alleviating that pressure by giving incentives such as tax breaks that would permit these companies to be able to perhaps financially absorb that delta and possibly even hire people in their place without it being a cost to them.

Yes, I would like to see it move one day to the private sector. However, the reason I am supporting this bill is that the federal public service, in my experience in the military, has been the worst employer in supporting reservists who want to go on training to augment their capabilities and even now, as we see, being deployed in operational theatres.

Honourable senators, why not take the lead and move with some of the provinces and hopefully, all reservists working in the public sector would be protected. Then we could possibly move to the private area.

Senator Kenny: Honourable senators, there is no question that the federal government has been the worst historically in allowing leave for reservists. Having said that, the council has been doing a very effective job in persuading employers to cooperate and provide leave. There is a serious risk that people would not be able to find employment in the first place with such a law in place.

The question would be, are you a reservist? Yes, I am. Well, I cannot afford to take you on because you may be deployed somewhere.

I believe that question requires more study before we rush into it. I have no difficulty with the concept of the federal government doing it, but I would not like to see it necessarily as a precursor to the private sector.

Senator Dallaire: Of course, the bill does not broach that subject. However, if the federal government does not provide suitable compensation in whatever form, I think that your argument is absolutely right. Holding the status of reservist could be a detriment to employment in the private sector. There has to be a significant trade-off by the federal government — the department or whatever — to these smaller employers in order to give that warm fuzzy feeling that they are not going to be at a loss.

On motion of Senator Tkachuk, debate adjourned.

DRINKING WATER SOURCES BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Corbin, for the second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Subject-matter referred to the Standing Senate Committee on Energy, the Environment, and Natural Resources on November 13, 2007*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that the subject matter is at committee right now and that we are at day 13, I was wondering if I could seek leave that the 15-day rule not apply for the duration of the committee's study.

If that is not possible, obviously we can make a few comments and we start all over again. However, I ask that the 15-day rule be waived, with permission.

Hon. Senators: Agreed.

Order stands.

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—ADOPTED

On the Order:

> Resuming debate on the consideration of the fourth report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Livestock Industry*, tabled in the Senate on December 11, 2007.—(*Honourable Senator Gustafson*)

Hon. Leonard J. Gustafson: Honourable senators, I am not going to keep you long but I want to make a couple comments, especially on the hog and cattle situation and the problems that the farmers have been having.

Apparently, they are saying it is a "perfect storm." Why? First, because feed prices have doubled. I will give you an example. Barley, which is to the staple of hogs and cattle, has gone from $3 a bushel to nearly $6 a bushel. This puts their operation in a situation where they simply cannot operate. The other thing that has happened is fuel prices have doubled.

On feed prices, the biofuels have taken, and are taking, a lot of grain out of the system. Grain is going into producing energy and this, of course, creates a supply shortage. In addition, the Canadian dollar has been a real factor. As the dollar goes up, the farmer loses income. This has become very serious, to the point where the cattlemen are telling us they are losing about $250 a head. If you have hundreds of cattle on a feedlot and you are losing $250 a head, it is serious business.

I think the committee has done an excellent job in looking at the problems, hearing witnesses from many quarters. We heard from the Canadian Cattlemen's Association, the Canadian Pork Council, the sugar beet people and other producers.

I would be remiss if I did not say that the strong point in agriculture is the grain industry. The prices have gone up, but input costs are phenomenal. Fertilizer, for instance, has gone from $300 a tonne to $600 a tonne. When you add these input costs into the mix, the industry is losing money.

• (1840)

We have discussed a made-in-Canada agricultural program. The Americans are redoing theirs right now. It will give them a five-year projection and American farmers will know exactly what will happen within the next five years so they have something to fall back on. In Canada, we just keep subsidizing here and there; we write a new program today and another tomorrow. Frankly, it is not working very well.

We have to deal with these issues. I will not belabour this any further. I want to make quote from by Sir Leonard Tilley said that if you destroy the farmer and grass will grow in the streets of every nation. We are told that we now have the shortest supply of food and grain that we have ever had. I want to leave those thoughts with you. They are not too encouraging, but that is the way it is.

I move the adoption of the report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

AGING

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Special Senate Committee on Aging (budget—study on the implications of an aging society in Canada—power to hire staff), presented in the Senate on December 11, 2007.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs: I move the adoption or the report standing in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—MOTION IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:
>
> That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;
>
> AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;
>
> AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";
>
> AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;
>
> Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that the motion be amended by deleting all words after "MAY IT PLEASE YOUR EXCELENCY:" and replacing them by the following:

> We humbly pray that Your Excellency will continue to exercise Her lawful and constitutional duties and summon qualified persons to the Senate of Canada, upon the advice of the Prime Minister which has been the practice since Confederation;

And on the sub-amendment of the Honourable Senator Banks, seconded by the Honourable Senator Day, that the motion in amendment be amended by deleting all words after "Canada," and replacing them with the following:

> thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada. —(*Honourable Senator Stratton*)

Hon. Wilfred P. Moore: I would like to join the debate on the subamendment. I move the adjournment standing in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Moore, debate adjourned.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

NEED FOR REFORM—INQUIRY— DEBATE ADJOURNED

Hon. Peter A. Stollery rose pursuant to notice of December 11, 2007:

> That he will call the attention of the Senate to the need for reforms to the Canadian International Development Agency.

He said: Honourable senators, I would like to speak about a book recently reviewed in the London Review of Books. It is a book about the politics of AIDS in South Africa. The distinguished British novelist, Hilary Mantel, who lived for some time in Botswana, noted how difficult it is even to study AIDS in a large, sub-Saharan African context. She writes:

> None of these countries can act a case study. Each has a different experience of colonialism, a different narrative of independence, a different self image . . . .

As Madam Mantel so elegantly says, there is no one-size-fits-all solution to the African tragedy. To walk along the crowded street once known as Delamere Avenue in central Nairobi and chat with people on street corners or observe them gathered in groups, gossiping like people in any city, it is easy to forget the two million people in Kenya who eat only once a day. People are as shocked as Canadians at the mayhem and murder in Rwanda and the Eastern Congo, yet those countries and that mayhem takes place on the borders of East Africa, a region of which Kenya is the most important country.

We have all heard of the million or more mostly Tutsi murdered 15 years ago in Rwanda. At the recent annual meeting the World Bank in Washington, an official and I discussed the Congo massacres. I suggested the numbers might be even higher than in Rwanda and the murders continue. The official strongly agreed and used the figure 2.3 million people so far, two days by road from that crowded Nairobi street.

These days, with international air service, a trip to sub-Saharan Africa usually involves relatively few cities in that vast place. The Sahara is bigger than Australia and the temperature can hit close to 60 degrees. I know the Sahara and spent part of three summers there.

Nairobi, Dakar, Johannesburg and Cape Town, possibly Abidjan, the Ivory Coast and Abuja, the relatively new capital of Nigeria: Each of these airports is the jumping-off point to a hinterland. Hilary Mantel probably used Johannesburg to get to Botswana.

The Standing Senate Committee on Foreign Affairs and International Trade tried to be unorthodox, particularly on our first field trip to Africa when we started with Northern Ethiopia, not far from the edge of the great desert.

Examining CIDA assistance to irrigation in an area in which agriculture will always be cyclical and always has been because of the vagaries of rain, caused some us to question things. In an area subject to droughts since time immemorial, it would seem more profitable to transport food from areas of the country that produce surpluses, which is this case is Ethiopia.

There is a road. They said the road had places that were impassable. I asked where because I know that road. I had taken it in early 1960 with an Italian lorry driver on his way to Asmara in Eritrea. Why not repair the road? No one could tell me because they all flew from Addis to Mekele. Could it have something to do with the fact that we were in the province of Tigre and the government support is based there?

You might say, "Oh well, but our people know about such things." That is not what it says in the famous Blair commission report. On page 162 of that report, the authors discuss Rwanda and write:

> In pre-genocide Rwanda, development assistance reinforced ethnic tensions. Individual projects and programmes have also caused trouble by reinforcing or exacerbating existing inequalities at the local level.

In our report, we observe that 81 per cent of CIDA staff work in Ottawa and only 19 per cent are in the field. It seems to me some of the criticism of the role of aid agencies, not just CIDA, would be answered, at least from the Canadian perspective, if more of our own people actually worked in the area for which they are responsible and developed aid good understanding of local conditions. That would be consistent with the Blair report.

The likely reason CIDA took the path of direct budget support is linked to that criticism in the Blair commission report. As we said on page 104 of our report: "It is as if CIDA does not know what else to do, so they give the recipient government the money, hoping they will fix the problems." The staff can more easily stay in Ottawa.

• (1850)

Before I leave the subject of Ethiopia, I will mention to honourable senators that our embassy, helpful when we arrived, recommended that we not visit because of possible riots. How could we be serious about Africa if we did not visit the headquarters of African Union, which is in Addis Ababa? How could we be serious if we did not go out into the countryside, hundreds of kilometres north of the capital, to see things for ourselves? Incidentally — because it is relevant to the general African tragedy — when François Michaud, our committee clerk, caught up with me to inform me of our embassy to Ethiopia's advice, I was sitting in the office of one of Morocco's senior trade officials in Casablanca on my way to Addis Ababa. When I asked him what percentage of Moroccans worked in agriculture and if they had problems selling produce in Europe, he exploded with irritation and said that "Fifty-five per cent of our people work in agriculture as against 2 to 3 per cent in France. The French take our doctors and nurses, but they do not take our tomatoes."

Committee members left Ethiopia on October 12, 2005. Demonstrations against the government broke out on November 1. Honourable senators, 193 protestors were shot dead by the police and there were 60,000 arrests. That year Canada, through CIDA, contributed $70 million in aid to the country. Under the concept of direct budget support, we gave $30 million to the government that had just shot 193 protesters.

At this point, I should like to say that I believe that CIDA requires a statute with defined goals that can be monitored by parliamentarians. I remind honourable senators that the agency budget for last year was more than $3 billion. CIDA is an important element, possibly the most important of how Canada is seen in much of the world, but it is not right to say that we should spend even more money on what has been a form of charity — often not even a well-thought-through charity — which has had no appreciable effect on the standard of living in the countries of Africa that we are talking about. I believe that development should mean economic development to build an economy.

The truth is that most of the members of our committee — myself included — did not know that CIDA was only a paragraph of the Foreign Affairs Act. Of course, we were not studying CIDA. We were looking at Africa, and CIDA is certainly not the cause of the African tragedy. For example, it was General Ibrahim Babangida of Nigeria who was accused by the World Bank of looting $12.2 billion of that nation's oil earnings, not CIDA. I strongly agree with the 1994 recommendation of the Special Joint Committee of the Senate and the House of Commons reviewing Canadian Foreign Policy, jointly chaired by Jean-Robert Gauthier, then still an MP; and my good friend Allan MacEachen, representing the Senate; which stated:

> The committee recommends that Parliament adopt legislation that spells out the basic principles to guide Canadian official development assistance.

I believe that it is more urgent now to follow that recommendation than it was in 1994. With Afghanistan added to the mix, the situation is immeasurably more muddled now than it was in 1994.

Let me continue with Africa, the world's poorest continent. How does one develop policy for such a vast area with so many peoples, each with, as Hilary Mantel describes, ". . .a different narrative of independence, a different self-image."

We did not visit the two main Portuguese-speaking countries of Mozambique and Angola. Mozambique, colonized by the Portuguese in 1505, is the current favourite of the development people. The committee did meet with Dr. Venancio Massingue, the Minister for Science and Technology, in Ottawa. To save money, the committee took advantage of useful people who visited Ottawa and other businesses.

Mozambique has a population of about 21 million people, and the minister told us of his ambitious plans to wire the country for Internet. Unfortunately, there is no real economy, or at least only minimal economy, and there is no tax base. The annual budget of the department of the well-meaning Minister for Science and Technology, including his salary, is $1.3 million. Put that beside the $12.2 billion stolen by General Babangida of Nigeria.

Let us travel now to Nigeria with the committee. In the tropics, the determinants of climate are altitude and rainfall. It is nearly 10,000 kilometres by road from Maputo, the capital of Mozambique; to Abuja, the capital Nigeria. Many years ago, over the period of most of a year, I made the most of that journey by road and truck. As there is no winter and because of the determinants of climate, altitude and rainfall, agriculture production is pretty similar. Call it another 3,000 kilometres across West Africa to the Atlantic coast. Agriculture is still pretty similar.

When development experts say — and they do — that trade barriers among African countries are a major impediment to development, they are playing with the truth. African leaders are not stupid. The economic community of the West African states has existed since 1975 to promote economic integration. It has not been an economic success largely because all the countries' economies are based on agriculture and they all grow the same things.

What about Nigerian oil, you might ask. That is a factor, but the population of Nigeria, the people in Africa's most populous country, also work in agriculture. I remind honourable senators that up to 85 per cent of Africans work in agriculture. Of course, there are important exportable crops. Portuguese traders from Angola used to buy palm fruit oil in the Congo rain forest, particularly in Equator Province. Nigeria had large plantations of oil, palm and rubber. The chocolate in your chocolate bar probably comes from coastal West Africa. The markets for tropical agriculture are not found in other tropical countries, they exist in temperate countries. In most temperate countries, only 2 to 3 per cent of the population works in agriculture.

Honourable senators will remember Joseph Heller's famous American novel *Catch-22*. Allow me to read an excerpt:

> Major Major's father was a sober God-fearing man whose idea of a good joke was to lie about his age. He was a long-limbed farmer, a God-fearing, freedom-loving, law-

abiding, rugged individualist who held that federal aid to anyone but farmers was creeping socialism. He advocated thrift and hard work and disapproved of loose women who turned him down. His specialty was alfalfa, and he made a good thing out of not growing any.

The government paid him well for every bushel of alfalfa he did not grow. The more alfalfa he did not grow, the more money the government gave him, and he spent every penny he didn't earn on new land to increase the amount of alfalfa he did not produce. Major Major's father worked without rest at not growing alfalfa. On long winter evenings, he remained indoors and did not mend harness and he sprang out of bed at the crack of noon every day just to make certain that the chores would not be done. He invested in land wisely and soon was not growing more alfalfa than any other man in the county. Neighbours sought him out for advice on all subjects, for he had made much money and he was therefore wise. "As ye sow, so shall you reap," he counselled one and all, and everyone said "Amen."

As far as I know, alfalfa is not of interest in West Africa, cotton is. Between 11 million and 15 million people depend on growing cotton. The leading grower is Burkina Faso, the French-speaking country at the headwaters of the Volta River, directly north of the Ivory Coast and Ghana, with a population of about 13 million people. They produce about 6 per cent of the cotton grown mostly in Texas in the United States, with whom they compete. Millions of people depend on their crop for a very basic living. In the United States, there are about 7,500 highly mechanized cotton farms. The 7,500 producers, in 2004 — the latest figures that I could find — received a producer subsidy of $3.2 billion. If one adds the $1.6 billion in export credits declared to be illegal by the WTO, the total cotton subsidy to the 7,500 producers is approximately equal to the GDP of Burkina Faso. As an interesting comparison, the entire U.S. aid to all 540 million inhabitants of sub-Saharan Africa in 2004 was $3.3 billion.

Another interesting comparison is the $2.9 billion credit line extended by China to Angola, along with another $7 billion in oil-backed loans. Angola, the second largest African oil producer after Nigeria, had oil revenues last year of $10.6 billion.

Our committee visited a cotton farm 120 kilometres east of the Bamako, in Mali, on the main road Bobo in Burkina Faso. We went by bus. The people at the farm knew all about these outrageous American subsidies and why they had to compete with U.S. farmers who could sell at less than the cost of production because of government subsidy. One would think that the Americans, who have become conscious of their low standing in the world, would worry about how angry they have made these people. However, it is not only the Americans; the European community has been just as bad. The natural market for agricultural product from tropical Africa is Europe.

Traditional product from the French territories went to France. That would be mostly from West Africa and moving through the ports of Dakar or Abidjan. Ethiopia exported to Italy; Kenyan butter and meat had a market in the U.K; large plantations along the Juba River provided Italy with bananas. Not only did that end after independence but, under the common agricultural policy, huge agricultural surpluses were exported to the former African colonies at far less than the cost of production and local production became impossible. Our committee heard testimony that tropical Africa went from being an exporter of food to an importer of food to such an extent that the region paid as much for food imports as it received in so-called development aid. In fact, the more you look at it, the more aid starts to look like conscience money. As development, it has totally failed and, as the committee so graphically pointed out, after the expenditure by western donors of nearly $600 billion, the people are worse off than they were before.

• (1900)

Two years ago Senator Di Nino — who was of immeasurable assistance on our Africa project — and I attended the Doha Development Round trade meeting in Hong Kong. The goal of many of the 10,000 delegates was to ensure that no progress took place.

What seemed to be our main Canadian obstruction revolved around what are known as geographical indications, GIs. The Europeans insist we cannot call something Camembert or Parmesan cheese if it does not come from France or Italy. They demand GIs for many products where it is questionable. We say none. We do not seem to have the wit to accept there are legitimate geographical indications, and perhaps we might negotiate them in return for support for our Canadian marketing boards.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Is the honourable senator asking for more time? Is permission granted?

Hon. Senators: Agreed.

Senator Stollery: The great contribution of the European Union was a series of conditional proposals that would not take place until 2013. Of course, agriculture is complicated. I know that. Of course, making the agricultural rules fair is not the only answer to Africa's economic woes. There needs to be private investment. Africa has twice as much public capital as private capital. There needs to be good governance. Civil wars must be resolved.

As Professor Paul Collier of Oxford University, authority on African development, tremendous witness before our committee and author of the recent book *The Bottom Billion* writes:

> It is stupid to provide aid money to promote development and then adopt trade policies that impede that objective. The least defensible part of rich country trade policy is the protection of agriculture.

Honourable senators, I have no more time. I think that is a pity because this subject means life and death for a billion people.

I will leave you with this thought: There must be a stand-alone CIDA statute, and it must include instruction for the CIDA minister to involve himself or herself in the trade negotiations so vital to the minister's constituency. The minister should be at the table when trade is discussed. Also, there must be instruction to promote private investment.

Professor Collier says:

> The primary obstacle to reforming aid is public opinion. The constituency for aid is suspicious of economic growth and the constituency for growth is suspicious of aid.

The job of reconciling these two suspicions must be included in this CIDA act.

Hon. Senators: Hear, hear!

Hon. Consiglio Di Nino: As tempted as I am to ask a question, I would like to adjourn the debate.

On motion of Senator Di Nino, debate adjourned.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny, pursuant to notice of December 11, 2007, moved:

> That, notwithstanding rule 95(4), the Standing Senate Committee on National Security and Defence be authorized to sit on Monday, December 17, 2007, from 4 p.m. to 8 p.m., even though the Senate might be sitting at that time.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny, pursuant to notice of December 11, 2007, moved:

> That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to sit on Monday, December 17, 2007, and on another day to be determined in January 2008, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. David Tkachuk: I move an amendment to that motion: "Provided that a member of the government and a member of the opposition are in attendance."

Senator Kenny: I support the amendment.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, that this motion be amended to include: "Provided that a member of the government and a member of the opposition are in attendance."

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion agreed to, as amended.

The Senate adjourned until tomorrow at 9 a.m.

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OFFICIAL REPORT
(HANSARD)

Friday, December 14, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Friday, December 14, 2007

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

[*Translation*]

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that later this day, I will move:

> That Committees be authorized, pursuant to Rule 95(3)(a), to meet between Monday, December 17, 2007 and Monday, January 28, 2008, inclusive, even though the Senate may then be adjourned for a period exceeding one week, provided that both whips have given approval.

• (0905)

[*English*]

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. David Tkachuk presented Bill S-225, An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON GOVERNMENT POLLING

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. An independent investigator hired by Minister Fortier to look into past Liberal polling practices has wound up shining an unfavourable light on the present government's penchant for polling. Daniel Paillé notes that the Conservative government commissioned more than two polls per business day in the past year. He calls this figure "quite astounding." His report shows that the government spent $31.2 million on opinion research in the last year, more than any previous year and almost twice the $18 million spent on average during the Liberal years.

In light of all of that information, I ask: Will the Conservative Party reimburse Canadian taxpayers for the $610,000 that it cost for the unnecessary Paillé poll?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator is right: The polling by the various departments was a shock to this government, as well.

Yesterday, Minister Fortier released the government's action plan in response to the report of the Independent Adviser on Public Opinion Research. Despite all the accusations made toward Mr. Paillé, I think he has now presented a good report. As the minister stated last week, commissioning this report was based on a promise we made during the last election campaign related to issues raised by the Auditor General. We made a commitment that we would respond to the Auditor General's 2003 Report.

We are taking concrete action now as a government to reduce spending on public opinion research to ensure that Canadians receive the best value for research deemed necessary. The independent adviser's report makes 24 specific recommendations and the government is taking action on all of them.

• (0910)

As a result of the recommendations, we will introduce new contracting tools to provide greater rigour in how public opinion research projects are managed. As Minister Toews said yesterday, the measures of the Federal Accountability Act and the action plan have already enhanced openness and transparency.

With regard to the cost of Mr. Paillé's study, the total cost was $610,000, as the honourable senator said. This includes $135,000 for the independent adviser's honorariums and travel expenses and $475,000 for audit and administrative services.

The government believes this report is very valuable to the government, and it is good value because it will result in the government taking action on all 24 recommendations.

Senator Tardif: Honourable senators, this report has been completed for more than two months. I find it rather strange that we would wait to release the report until the last sitting day of the House of Commons. Is there an intention to diminish the impact of this report?

Senator LeBreton: Absolutely not. Perhaps honourable senators on the other side wish to talk about advertising and the missing $40 million. We still have not figured out where that money went and they are worried about $610,000.

Minister Fortier commissioned this report on behalf of the government to live up to a commitment made during the election campaign. That was in direct response to the Auditor General's 2003 report. The polling in question was conducted by the various departments as they researched various public policy positions.

As I have said, the members of the government also found that this expenditure was excessive, and we are very happy to have the 24 recommendations of Mr. Paillé. As I indicated in my first answer, we plan to take action on all 24 items.

The fact that we commissioned the report and have accepted the inquiries into the present polling is very healthy for our democracy. The government should get credit for wanting to address this issue.

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. James S. Cowan: Honourable senators, could the Leader of the Government provide an update as to the public musings of the Minister of Public Works and his director of communications with respect to the possibility of a moratorium on polling?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Minister of Public Works answered that question three times and I think I answered it as well. When the reports appeared in the newspaper the excessive amount of polling did come as somewhat of a shock to all of us. Minister Fortier, quite rightly, at the first opportunity — which was the day after he made those comments — set the record straight. In the spirit of this place, and maybe in the spirit of Christmas, we should accept his word.

Senator Cowan: I am not asking whether we accept the word of the honourable senator. I asked whether the government was still considering the possibility of a moratorium.

The leader surely has read the press reports and understands that there is some confusion that persists. I simply asked her to set the record straight.

Senator LeBreton: Honourable senators, Senator Fortier set the record straight, and I do not believe there is anything more that needs to be said about the matter.

• (0915)

REPORT ON GOVERNMENT POLLING— REQUEST FOR TABLING

Hon. Joan Fraser: I am puzzled. The Leader of the Government in the Senate said that this report was commissioned in response to the Auditor General's 2003 report, but the Auditor General said that she had found that the federal government was managing its polling "in a transparent manner and with adequate controls."

I do not know why we needed to commission another report, which duly came back and said the same thing. We have had it verified twice that the previous government's polling practices were adequate and transparent. This government has been in office for two years and is spending more on polling than the previous government spent but it still does not seem to think that it needs to report on its practices and does not see the need to impose a moratorium until it gets its own house in order. Is transparency only good when it applies to Liberals?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish there had been some transparency applied to Liberals. Senator Fraser, the government commissioned the study based on a commitment. The Auditor General's 2003 report was much more fulsome than the honourable senator put on the record of Senate. The fact is that this is all good news, not bad. It was independent; otherwise, we would not have this very good report with its 24 recommendations. We had no fear that Mr. Paillé would look at the whole situation. We have exposed the amount of money spent in the various departments on public opinion research. I have made it clear that the government finds that amount excessive. We fully intend to follow up on the 24 recommendations.

In the interests of public policy, for both the previous government and the present government, this is good news. This is not something that we should be running away from.

Hon. Lowell Murray: Honourable senators, we have been talking about a report that some of us have not seen. Will the minister undertake to table it in this house before the end of the day?

Senator LeBreton: Absolutely, Senator Murray, I will do that immediately.

The Hon. the Speaker: Does Senator Fraser have a supplementary?

Senator Fraser: I have 25 supplementaries but I will yield to my colleague.

Hon. Jane Cordy: Honourable senators, the Leader of the Government said that this is good news but when I see $600,000 of Canadian taxpayers' money being spent on nothing more than a Liberal Party witch hunt, I do not think it is good news. The Paillé report has been in the hands of this government for the past two months. How many polls have been commissioned by the Harper government since the minister and this government have had the report?

Senator LeBreton: Honourable senators, I do not think any Liberal should be talking about witch hunts. This file has been the responsibility of the Minister of Public Works, so I will take the question as notice.

Senator Cordy: Honourable senators, I have a supplementary. According to the news reports, we have had two polls per business day during the past year. Mr. Paillé said that he finds this quite astounding. In response to questions posed by senators this week in the Senate, the leader said that she is quite surprised by this, but someone must have known because two polls per day is quite a high number.

How can the leader say that this government is open and transparent when even the Leader of the Government in the Senate is not aware of two polls commissioned every business day during the past year?

• (0920)

Senator LeBreton: We agree. We were astounded and surprised, and we found it excessive. This view has now been borne out by the findings of Mr. Paillé. He makes recommendations to the government to ensure better value for taxpayers. We intend to strengthen the procurement and reinforce political neutrality.

In the report, I believe there was mention of one particular suspect poll that was conducted in late 2005, early 2006. I have not read all the details. I saw the item in the newspaper. I should not rely only on what newspapers say because so much of it is not well-informed. However, when the story was first reported, before the release of Mr. Paillé's report, I and members of the government in the other House expressed the same shock on behalf of the government that in the various departments and agencies they were making such an excessive use of polling.

Obviously, that was a statement, and now we have a detailed, in-depth study into the whole issue of public opinion polling. It will serve Parliament and Canadian taxpayers well, because Mr. Paillé makes specific recommendations which the government, as I have said several times today, fully intends to follow.

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Roméo Antonius Dallaire: Honourable senators, attempting to seek client satisfaction and information is valid. Government is a big business and there is need to obtain information. If MPs, who represent these people, do not obtain the information from other sources, then government may need to revert to other systems for that information, but it also could be a deficiency that might be rectified.

The leader expresses shock and maybe dismay at so many polls. I do not have a problem with the government obtaining information and so on. The statement I might have a problem with is that of Senator Fortier, who stated here that a moratorium would be imposed. To me, that approach gives one a sense of being really messed up, and maybe we do not need it.

The subsequent answer is still uncertain to me. When I was in government, I always feared this shotgun, knee-jerk reaction by politicians when they discover a problem and they go absolutely haywire and close everything.

Can the leader confirm that no orders have been given to stop these polls? I ask that because the polls must have a use. We seem to have a report that says there has been a use for the polls, maybe too much of a use, but still a use. Can the leader confirm also that the process will be permitted to carry on to obtain information needed due to the deficiency of not obtaining it through the other House?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe Senator Fortier, the Minister of Public Works and Government Services, answered that question. However, the honourable senator is right. It falls under the rubric of polling, but it is part of the research by various agencies and governments. It is valuable information that departments and agencies use. The question we all must ask ourselves, regarding the people who work in the various departments and agencies, is whether they rely on polls too much. When they are confronted with a situation of developing policies the first thought may be: "Let us poll and find out what the public is thinking," rather than perhaps, as in the past, engaging in wider consultation.

On the question of the moratorium, the Minister of Public Works and Government Services responded to that. There is no moratorium, and we now have the advantage of a thorough report by Mr. Paillé where he makes 24 recommendations, which I think will guide departments in the government and all people who work in research and policy development in the future.

This report will be of great assistance to government and to parliamentarians, and to people who work in the various departments.

On the moratorium specifically, the answer is, there is no moratorium.

• (0925)

REPORT ON GOVERNMENT POLLING

Hon. Jane Cordy: I think we all agree with Senator Dallaire. There is a place for polling. However, in 2006-07 Mr. Paillé found the current Conservative government — the new Conservative government — asked respondents whether they approve or disapprove of the way Prime Minister Harper and various premiers were doing their jobs. If that is not partisan polling, can the minister tell us what partisan polling would be?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I will take that question as notice. I have not read every single word of Mr. Paillé's report.

First, the opposition attacked Mr. Paillé and his credibility, and now Mr. Paillé presents a report that is frank, open and honest. We do not fear it. We are pleased to have it. It will guide the government in the future, and all agencies and departments of the government.

As far as I am concerned, this report is a good news story that underscores the desire of the government to be open, transparent and honest in dealing with situations we are confronted with.

Hon. Joan Fraser: I have a supplementary question to my colleague's earlier question.

To the Leader of the Government in the Senate, I can understand why she might not know about every poll that has been done. At the rate of two a day, I doubt that anyone knows — which is obviously part of the problem. However, I will ask the leader if she is aware whether one specific poll has been conducted in the last two months. That is, was a poll conducted to ascertain the impact on the popularity of the present government of making public a study that would lead to headlines, such as the ones that appeared in a story today by The Canadian Press: Careful what you investigate; Probe into Liberal polling dings Tories instead.

[*Translation*]

A francophone newspaper said that the Paillé report has cleared the Liberals.

[*English*]

That was not, I assume, the initial object. I am glad to say, this side's initial suspicions were wrong. That is good news. The leader is absolutely right.

Did the leader's government commission a poll into the impact of Mr. Paillé's study, which I assume is not what she expected?

Senator LeBreton: That falls in the category of ridiculous questions.

Senator Fraser: No, it does not.

Senator LeBreton: If we were doing public opinion polls on what we feared would be negative headlines, we would have been out of business the first week we were here. This government shows strong leadership in a host of areas, like the environment and protecting the taxpayer. We know there is always an element of the population that will not be pleased with what we are doing. Obviously, as a government, we do not embark on anything worrying about what headlines will be in the newspapers. We certainly do not.

Hon. James S. Cowan: Does the leader expect us to believe that if she and her colleagues believed this report was such good news, that they would have waited until after the House of Commons rose to table it?

Senator LeBreton: In the spirit of Christmas, I absolutely expect you to believe that.

Senator Cowan: Does she also believe in Santa Claus?

Senator LeBreton: Actually, I do.

Senator Cowan: I finally agree with the minister.

• (0930)

DELAYED ANSWERS TO ORAL QUESTIONS

PROCEDURE—REQUEST FOR ANSWER

Hon. Roméo Antonius Dallaire: Honourable senators, I would like clarification about the process of Delayed Answers because I am not sure of the methodology. I have been studying it, but I am not sure of the time limits for the government to provide delayed answers and whether it is part of the process or not.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I thank the honourable senator for his question. I invite Senator Dallaire to compare the speed with which we have been providing delayed answers over our two-year period with that of the previous government. I invite the honourable senator to table his study on the floor of the Senate to see whether we would not be as efficient if not faster.

Senator Dallaire: I thank the honourable senator. Nobody is saying the government is perfect; nor are they. I still want to know whether there is a process. Getting an answer five months later is not pertinent to the question.

Senator Comeau: Honourable senators, I do not think we have any delayed answers that are delayed more than five months. I would be more than pleased to meet with the senator if there is such an answer being delayed. We try to expedite the answers as much as we possibly can.

The speed with which answers are provided depends on the extent, breadth, depth and the shared amount of information requested from the various departments. Some questions are completed fairly quickly, but it depends on the extent and depth of the question. There is a process by which the departments have to dig into their files.

To the best of my knowledge, all such questions are dealt with as expediently as possible.

Hon. Jane Cordy: Honourable senators, on Wednesday, May 9 of this year, I asked a question about child care spaces created under government policies. I have not received an answer to that question. I understand Parliament was prorogued, but that was in September; I have been waiting for an answer for four months.

Senator Comeau: Honourable senators, I will certainly verify that situation.

SENATORS' STATEMENT

MEMORIAL UNIVERSITY'S ADVANCING CANADIAN ENTREPRENEURSHIP PROGRAM

Leave having been given to revert to Senators' Statements:

Hon. Joan Cook: Honourable senators, my statement is about a young Newfoundlander, Ryan Hopkins, who grew up in the fishing community of Old Perlican at the tip of the south side of Trinity Bay in my province. He attended an all grade school, and, upon graduation, entered Memorial University where he enrolled in a business program. Ryan became interested and involved with a student-run group called ACE Memorial, Advancing Canadian Entrepreneurship, which is a division of the longest running Students In Free Enterprise program in Canada, known as SIFE. Their mission is to create local solutions to global economic challenges.

Honourable senators, ACE Memorial is currently led by its now president, Ryan Hopkins. Recently, their team placed second at the annual world cup this year in September. When they met in Paris, the best teams from 45 countries, including Germany, Botswana, Kirgizstan, China, Mexico and the Philippines all competed to showcase their projects. The competition was judged by global business leaders who based their decisions on the impact team projects had in their communities. In the semi-finals, the ACE Memorial team was edged out by China, who emerged as the overall winner of SIFE challenge.

Back in Newfoundland, the ACE Memorial group work hard within their community to integrate themselves into schools with the goal of teaching the youth of Newfoundland and Labrador about entrepreneurship, ethics and the environment as it pertains to our region.

• (0935)

In the small community of Port Hope Simpson in Labrador, ACE opened a pottery studio that provides a facility for people daunted with the challenges of myotonic dystrophy to contribute to the economic growth of the community while also benefiting from the therapeutic effects of creating pottery. Port Hope Simpson has the highest number of people per capita in the world affected by this muscular disease, and ACE gave these people a much needed retreat from their disease.

ACE has also taken on the challenge of teaching elementary students about recycling through their Shifting to Entrepreneurial Power and Success, STEPS, program. In doing so, they have helped students create an amazing and profitable recycling business for their school.

This year, another ACE Memorial Initiative, "Project Passport," has worked with 48 new immigrants to Newfoundland and Labrador, teaching them valuable marketing skills that will help them find jobs in the area. In fact, ACE still works with 10 of its former Project Passport graduates to help them develop their own business plan. Project Passport is geared to integrating diversity into the culture of Newfoundland and Labrador.

Honourable senators, Ryan Hopkins has truly come from a great heritage and has become a role model for the youth of my home province.

Honourable senators, we all need to continue to support programs such as ACE Memorial in our home communities that foster community development through partnerships with our country's valuable youth.

VIOLENCE AGAINST GIRLS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak of the savage murder of an innocent child or young girl in Toronto, who wanted to live a life like any other Canadian girl. I know we all strongly condemn violence against our Canadian girls, or any girls in the world.

Honourable senators, sadly, there are many young girls like her who are struggling to integrate. Today, as we prepare for the holiday season, I ask that you give some thought to these girls. Many girls in our country like this girl who was murdered are struggling to be fully integrated into our great Canadian society.

I also ask all honourable senators to work together in the new year to find ways to provide resources to these young girls so that they truly integrate into our society. After all, honourable senators, these are our young girls, our Canadian girls.

Yesterday, I celebrated Khushali, my religious holiday, the birthday of my spiritual leader, the Aga Khan. I wish all Ismaili Muslims Happy Khushali.

I also take this opportunity to wish all of you, my colleagues, Merry Christmas and happy holidays, and I want to thank all the people who make our work possible in the Senate and also wish them Merry Christmas and happy holidays.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to call, with your permission, the second reading of Bill C-18.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING

Hon. David Tkachuk moved second reading of Bill C-18, an Act to amend the Canada Elections Act (verification of residence).

He said: Honourable senators, I am pleased to have this opportunity to take part in the debate on Bill C-18, an Act to amend the Canada Elections Act (verification of residence).

This important initiative is aimed at correcting a problem that arose in applying Bill C-31, which Parliament passed earlier this year.

• (0940)

Honourable senators will recall that Bill C-31 amended the Canada Elections Act in order to require electors to prove their identity and residence in a polling division before being allowed to vote. In fact, electors were required to provide one piece of government-issued photo identification showing their name and residential address or two pieces of identification authorized by the Chief Electoral Officer which, together, showed their name and residential addresses. If the elector was unable to produce such identification, the elector was allowed to have his or her identity and residence established by another elector in the same polling division who vouched for him or her. This was a major change to the voting process in Canada.

The amendments were in response to misgivings expressed by many that, in the absence of clear identification rules, it is easy to perpetuate elector fraud to try and influence voting results. Basically, these measures in Bill C-31 were intended to protect the integrity of the vote, a highly laudable goal.

Honourable senators, Elections Canada recently advised the government that the new elector identification requirements have given rise to a serious problem for many Canadians across the country. In fact, it seems that many people do not have a civic address that would allow them to prove that they reside in a polling division, or they have a civic address that does not appear on the piece of identification required in order to be able to vote. Elections Canada estimates that over 1 million electors may be affected by this problem.

Indeed, the National Register of Electors data shows that 1,012,989 electors are registered with only a mailing address or some other incomplete address that is of no use in proving residence in a polling division. The situation affects electors in every province and territory. Nearly 81 per cent of Nunavut electors are listed in the register without a civic address. The figures for my province, Saskatchewan, and for Newfoundland and Labrador are 27 and 23 per cent respectively.

Although the proportion of electors affected in some provinces is quite small, we are still talking about people who could have difficulty exercising their right to vote as guaranteed by section 3 of the Canadian Charter. In Quebec, the 0.27 per cent of electors with no civic address listed in the Register of Electors translates into 15,836 Quebec electors who could encounter problems with voting in a future election.

Data from the register does not present a complete picture. In fact, many electors have a civic address, but it is not shown on their identification. In Saskatchewan, for example, apart from the 27 per cent of electors with no civic address, an estimated 16 per cent have an address that does not appear on their identification. This problem requires action to find a solution; hence Bill C-18.

The solution put forward by the government in Bill C-18 was developed with the assistance of Elections Canada, the independent body responsible for administering federal elections. The solution involves accepting as proof of residence a non-residential address that appears on the elector's identification providing that address matches the elector information on the list of electors. Thus, if an elector produces a piece of identification that contains a mailing address — a rural route, for instance — and that mailing address appears on the list of electors, the elector's residence will be deemed to have been proven.

A person vouching for another elector will also be able to show proof of residence in this manner where the address on the piece of identification would not otherwise permit that person to prove that he or she resides in the polling division.

Honourable senators, Bill C-18 rectifies the unforeseen ramifications of Bill C-31 that would prevent many electors from proving residence in order to vote. It is a problem and it is our duty to promptly ensure that Canadian electors who are affected are able to continue to exercise their right to vote as guaranteed by our Constitution.

That is why I support this bill, and I urge all honourable senators to join me in doing so.

Hon. James S. Cowan: Honourable senators, I am pleased to join in this debate. I concur with the analysis of my friend Senator Tkachuk. This bill is not intended to deal with all the problems created in the Canada Elections Act as it currently stands, but only a very obvious situation that impacts directly on rural voters particularly in the Prairie provinces, Newfoundland and Labrador and in the northern territories.

We on this side are pleased to cooperate with the government in giving prompt consideration to this bill, which we received yesterday. I hope that it will receive careful consideration by colleagues on both sides of the house today and that we can deal with it expeditiously.

This demonstrates that when bills are rushed through the other place, sometimes things are missed, which reinforces the benefit of having the Senate study it a second time.

We are pleased to cooperate with the government in giving speedy consideration to this proposed legislation.

Hon. Lowell Murray: Honourable senators, if this bill had not been sprung upon us with so little notice yesterday, I would have taken advantage of the opportunity to have an amendment drafted to restore door-to-door enumeration in federal elections. I hope there will be an early opportunity to do so, and that we will move on that subject at that time.

Senator Lynch-Staunton, I and others opposed the provisions of the bill that effectively did away with door-to-door enumeration. I have heard some horror stories about what has happened since then, and I continue to be concerned about it. The implications are quite far-reaching. I am not sure that the apparent low turnout at elections is not, at least in part, due to faulty lists that are being prepared or published under the present more automated system. However, all of these are matters that we can debate another time and, as I say, I hope that time will be soon. The success of the automated system has been, at the very best, mixed.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE OF THE WHOLE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this bill be referred to Committee of the Whole immediately.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

CONSIDERATION IN COMMITTEE OF THE WHOLE

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on the bill, the Honourable Fernand Robichaud in the chair.

• (1000)

[*Translation*]

The Chair: Honourable senators, the Senate is now in Committee of the Whole on Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

Honourable senators, rule 83 states:

> When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

The Chair: Carried.

Senator Comeau: Honourable senators, pursuant to rule 21, I ask that we invite the Honourable Peter Van Loan, P.C., M.P., Leader of the Government in the House of Commons and Minister of Democratic Reform, to participate in the deliberations of the Committee of the Whole and that his departmental officials be authorized to accompany him.

The Chair: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Chair: Honourable senators, Mr. Minister, welcome to the Senate. I invite you to introduce your departmental officials and make your opening remarks, after which we will have some questions.

• (1010)

[*English*]

Hon. Peter Van Loan, P.C., M.P., Leader of the Government in the House of Commons and Minister for Democratic Reform: Honourable senators, thank you for inviting me to speak today on Bill C-18, the verification of residence bill. This bill will solve the problem of verifying the residence of voters who do not have a civic address on their identification.

[*Translation*]

The purpose of Bill C-18, to amend the Canada Elections Act on the verification of residence, is to ensure that legitimate electors can exercise their fundamental democratic right to vote.

[*English*]

To properly understand the rationale behind the bill, it is important to understand the precedent Bill C-31. Honourable senators will recall that the government introduced and Parliament passed Bill C-31, to improve the integrity of the voting process in Canada and to prevent voter fraud.

Bill C-18, for the first time ever, will require voters to demonstrate their identity in residence before being allowed to vote. These new requirements ensure that those who wish to vote are indeed who they say they are. The new requirements will prevent, for example, someone from picking up discarded voter information cards in the lobbies of apartment buildings and voting in another person's name. They will also prevent someone from voting in the riding, for example, of a place of work rather than a place of residence — something which is illegal. They might be doing that, for example, to support a particular candidate in a particularly close contest.

The new voter identification requirements were based upon recommendations put forward by the House of Commons Procedure and House Affairs Committee in its June 20, 2006 report. That report, which received the unanimous support of all political parties in the House of Commons, formed the basis of Bill C-31.

Bill C-31 was a complex piece of legislation and it made many changes to the act and to some other acts. However, when it came time to actually implement the bill, Elections Canada identified an issue with the voter identification requirements that had not been fully anticipated when the bill was considered either by the members of Parliament in the House of Commons or by honourable senators. To the extent the problem we are fixing is one that we are all authors of collectively, it is one on which we did not have accurate information provided to us by Elections Canada or others that would have allowed us the opportunity to make further inquiries.

The issue is that many voters simply do not have a civic address on their identification. Others do have a civic address, but it is simply not used in identification in practice in their areas. For example, in the province of Saskatchewan, in places where people may have rural route addresses, it is often the case that a driver's licence will simply show "Rural Route 3" rather than the municipal address. As I indicated, this situation arises most often in rural parts of the country.

[*Translation*]

It is a problem that occurs most often in rural areas, where people often just have a post office box number, a rural route number associated with a post office or simply a general delivery address at a specific post office.

[*English*]

As a result, these individuals will be unable to produce identification with an address that can satisfy the requirement for identification with a civic address and determine their residence in a polling division.

Also, these voters will have difficulty finding someone to vouch for them, since their neighbours are also not likely to have a residential address in their identification. The same problem would face a potential voter.

[*Translation*]

Upon being informed of this problem by Elections Canada, the government acted swiftly to seek a solution, with the help of Elections Canada and input from all political parties.

[*English*]

The solution proposed in the bill provides for an address on a piece of identification to prove residence, even a non-civic address, if the address is consistent with information about the voter on the voter's list. Since this is the case, we can now use the mailing address that appears on the voter's list to corroborate that it is the same voter who has already proven that they reside in this polling division.

The same would apply to someone who vouches for another voter. If the mailing address on his or her pieces of identification corresponds to the information on the voter's list, then it will be considered sufficient proof of residence.

An election official or candidate's representative who has reasonable doubt about a voter's residence will still be able to challenge that voter. In such a case, in order to vote, a person would have to take an oath as well.

It is important to note that for individuals not on the voter's list who are seeking to register in an advance poll or on a polling date to be on the voter's list, they will still have to show a piece of identification that contains a residential address or otherwise be vouched for. This is to ensure the integrity of the information in the register and to ensure that those who are registered to vote in the polling division really do reside in that polling division.

[*Translation*]

Our bill on proof of residence resolves the problem of verifying addresses for electors who do not have a civic address on their identification documents. Now that the government has taken quick action with the help of Elections Canada and with input from the other parties, it is incumbent upon Parliament to act quickly as well to allow Elections Canada to implement these rules as soon as possible.

[*English*]

I will note that I appreciate the extra efforts of honourable senators by sitting here to consider this Bill C-18. I believe everyone is aware that there are by-elections in a number of constituencies that need to be called with trigger dates that occur between now and when we are anticipated back in late January. As a result, in order for this law to be in place to deal with those by-elections, one of which includes a large rural municipality where this problem may affect a majority of voters, making the passage of this bill much more important. That is why we in the House of Commons disposed with it not entirely on a unanimous basis, but with the strong support and assistance of the official opposition we were able to deal with it quickly and get it here to the Senate. I appreciate the effort that you are taking on this, which I think everyone hopes is the last day before we rise for Christmas to deal with the matter. I think the voters in those constituencies will thank you as well.

[*Translation*]

Thank you for your attention. I will now take your questions.

The Chair: Thank you Mr. Minister. I recognize the Honourable Senator Nolin.

Senator Nolin: Mr. Minister, welcome. It is rare that we get the opportunity to see you in this chamber. It is our pleasure to welcome you here.

You have provided some explanations of the urgency of this bill. You made reference to Bill C-31. I need not remind you that after Bill C-31 was passed, despite the testimony in the Standing Senate Committee on Legal and Constitutional Affairs, no one felt the need to change the identification process for electors wearing veils.

• (1020)

The matter became urgent during the by-elections in September 2007. And since more by-elections are expected shortly, why not include provisions to clarify this phenomenon in your bill?

Mr. Van Loan: I would point out that the visual identification of voters is a very important issue that the government identified long before the study of Bill C-18.

At present, Bill C-6 is also being studied in committee. We asked the other parties for their support in passing this bill, but they refused.

[*English*]

Bill C-6 is the legislation that addresses the issue of visual identification of voters. Everyone will recall that during the Quebec by-elections, all political parties wanted to see that change made, although, since that time, at least one political party has had a change of heart. That bill was drafted before this one; today's bill is Bill C-18. Although it was introduced earlier as Bill C-6 and has been at committee, opposition refused unanimous consent and as a result, it could not be before us today. Unfortunately, this bill will not be in place in time for the by-elections.

[*Translation*]

Senator Nolin: Who drafted Bill C-18?

Mr. Van Loan: It was proposed by the government and myself, as minister, but the bill was drafted almost entirely by Elections Canada officials.

[*English*]

Certainly, we have reviewed it, but the proposed solution and the bill's approach were developed in close consultation with Elections Canada. You will have an opportunity to hear from the Chief Electoral Officer, who will assert that Elections Canada will resolve the problem we are discussing today.

[*Translation*]

Senator Nolin: In your introductory remarks, you explained how the problem emerged after Bill C-31 was passed. I would like to know how everyone could have overlooked this during the study of Bill C-31? Have you received any complaints? If so, how many? Where did the complaints come from? How were they expressed that they provoked such a great sense of urgency?

Mr. Van Loan: In September, the Chief Electoral Officer of Canada contacted me to inform me that Elections Canada officials had discovered some problems with the voters lists.

[*English*]

After performing various data runs, officials at Elections Canada concluded that there were problems that they had not anticipated before the commissioner appeared on Bill C-31. The commissioner told me that Elections Canada needed to address those problems.

We discussed different approaches, including the adaptation power. He indicated his strong view that he wanted to see legislation introduced. On that basis, we acted as quickly as possible, being mindful of the fact that we wanted this new legislation in place before the upcoming by-elections.

[*Translation*]

Senator Nolin: Was the bill amended in the House of Commons and, if so, which provisions were amended?

[*English*]

Mr. Van Loan: There were no amendments at the House of Commons. The New Democratic Party proposed amendments at committee, amendments that dealt largely with other matters. Those amendments were rejected at committee. The bill that is before you is the same as the bill that was introduced in the first instance in the House of Commons.

[*Translation*]

Senator Nolin: Clause 4 of the bill refers to coordinating amendments. I would like you to explain why these coordinating amendments are necessary.

[*English*]

Mr. Van Loan: The coordinating amendments, as I understood them, deal with other bills under consideration. One such bill is Bill C-16, which is before the House of Commons, reported back now from the Standing Committee on Procedure and House Affairs, on expanded voter opportunities that seeks to institute additional advance polling days. That has been substantially amended by the Procedure and House Affairs Committee, but the purpose of the coordinating amendments was to deal with such issues.

[*Translation*]

Senator Nolin: But more specifically, do clause 4 and the clauses that follow, which pertain to coordinating amendments, contain anything substantive or is it just a question of matching numbers?

[*English*]

Mr. Van Loan: I will look to my officials to tell me if I am wrong, but my understanding is that they were anticipatory in the sense that if Bill C-16 were adopted in the form that we had proposed, or even in the modified form, the amendments would have application to them. The structure is such that it does not create a difficulty if that were not in place either.

I am told that I am correct.

[*Translation*]

Senator Nolin: What does the last part of your answer mean?

[*English*]

Mr. Van Loan: I could go into detail about Bill C-16, which in its original form, it seeks to add two additional polling days, one on the Sunday, which would be the eighth day before the election date, and one on the Sunday immediately before election day. In the original form, the Sunday immediately before election day would have been an advance poll in every polling station operating the next day. That has been amended out of the bill. This was to ensure that the voter identification requirements would apply to those days as well, and the wording is such that it does not reference a bill that has not been passed. However, if that bill had passed, this wording would cover it as well so that the voter identification requirements would apply to these new voting days.

Senator Baker: I would like to also welcome the minister to the Senate chamber and say that, whereas I do not always agree with everything that he has been doing in the other place, I must say that he has done an admirable job for the government in the performance of his duties. However, I am certain that in his opening remarks, he made a statement that perhaps I should correct. He mentioned that neither the House of Commons nor the Senate saw the problem when we passed Bill C-31. I can tell you, minister, that the Senate committee did see the problem. The Senate committee called the Chief Electoral Officer regarding this matter, called the Canadian Federation of Students as witnesses, and called lawyers from Vancouver to Halifax as witnesses to give testimony regarding this error in Bill C-31.

• (1030)

However, there were so many errors in Bill C-31 that one would have had to negate the entire bill to correct all the mistakes. I realize that the minister did not originate this bill. As the minister explained, he showed great deference to the all-party committee of the House of Commons that devised Bill C-31. The Chief Electoral Officer said that he did not request any of the changes that were made in Bill C-31. He did not suggest any of the changes that were made in Bill C-31. In fact, he said that the change would create problems in some cases. He said that he would never agree to this or that change. This particular bill that we now have before us, which corrects one of the many errors in Bill C-31, was brought up in the Senate committee. This is my question to the minister.

As the all-party House committee said, in relation to the numbers of people who voted in the last federal general election who were not registered at particular polling booths — one polling booth, Spadina, as I recall had 11,000 voters who voted who were not on the voters' list — the Chief Electoral Officer said that they conducted an intense investigation into those 11,000 people and discovered that only in one case was it possible that perhaps a person voted who should not have voted there.

The numbers of people were due to the fact that there was a major university in the area and a large transient population. With the changes in Bill C-31, the Chief Electoral Officer proffered, upon request for an answer, that perhaps over half those people who voted but should have been able to vote will not be able to vote now or in the future because they are transient, because they are students and so on.

This amendment will not correct that problem of the transient voting population in Canada and the great many students in institutions of higher learning. The problem is, minister, as you point out, if someone does not have an address then they can be sworn in, but someone can only vouch for one person under the bill. I do not think you are correcting that situation under this piece of legislation — that someone who vouches for someone else

will be able to vouch for more than one person? In the past, a bus driver could come in from a senior citizen's home and vouch for every single senior citizen in that bus if they did not have photo identification, whereas now and in the future, only one person can be vouched for.

My question is, first, to admit that this bill was not a creation of the Chief Electoral Officer or the Government of Canada but the creation of a House of Commons all-party committee.

Second, I wish to know whether the minister feels that this amendment will still enable transients in our population who were able to vote before upon swearing who they were and, in fact, correct that major problem that has been created by Bill C-31.

Mr. Van Loan: That was a lengthy set of questions, so I will try to address them point by point.

Indeed it is a pleasure for me to be here in the Senate, sitting in one of these seats. I inquired whether would be a camera to take note of this special occasion and I was told that would not occur, which is probably fortunate for me.

On the issue of whether this problem was before the Senate previously — and the honourable senator can ask the Chief Electoral Officer — I think there was no evidence from the Chief Electoral Officer, in either of the appearances in the House or Senate, that there would be a problem with the rural addresses. I do not believe people twigged to that problem. The issue the senator talks about is a different one and deals with a different approach rather than the potential identification with a civic address.

You will have an opportunity to speak to the Chief Electoral Officer, but my recollection is that the evidence he gave you, as he gave to the House of Commons Standing Committee on Procedure and House Affairs, was that while not all Canadians have photo identification with a civic address, that problem could be resolved by the alternates of two other pieces of identification for which Bill C-31 provided. Discretion was given to the Chief Electoral Officer to define what that identification is. The list he produced is almost a page long of acceptable identification, which includes such things as hydro bills, a letter from a university residence indicating residency there, a lease or some kind of agreement like that, or a statement from a homeless shelter. The honourable senator will find there are many issues like that.

The honourable senator might be interested in knowing that a study has been conducted into how Bill C-31 worked in the by-elections. There was a finding that the vast majority of voters found the identification requirements easy to meet and were satisfied with the ID verification and voting process. Most have a favourable view of the identification process. Eighty-three per cent also indicated that they did not feel it took any more time to vote as a result of the identification process, and 95 per cent reported that it was easy to satisfy those identification requirements.

The honourable senator might be interested to know also which identification was used. In most cases, the driver's licence was utilized. The next most popular piece of identification utilized was the provincial health card. One per cent was vouched, but of particular interest is the notion of attestation letters and leases. Those documents were used. For example, in the case of a homeless shelter and the like, 0.8 per cent used attestation letters and 0.3 per cent used leases, and there were various other documents.

Therefore, I believe the Chief Electoral Officer was right in his evidence to honourable senators that with the discretion he had been afforded in the bill to provide for alternate identification, including the approach of attestation letters to establish address, the address elements could be dealt with. I think with those by-elections, including one in Outremont, which is an urban context, we see that Bill C-31 worked well. Perhaps, the alarm that was sounded by others has been misplaced. The three political parties who strongly supported these elements in the House of Commons — the Liberals, Bloc Québécois and the Conservative Party — were, in fact, correct.

There was one more question and I have lost track of what it was. The honourable senator asked if the origin of the bill was the unanimous report of the Procedure and House Affairs Committee from the political parties. I believe that is a matter of public record and everyone agrees on that.

Senator Baker: Thank you, minister. I have one brief comment.

The Senate committee concluded, I think generally speaking, that there was nothing wrong with the old system.

• (1040)

There were misplaced criticisms of the system we had prior to Bill C-31, in that the Chief Electoral Officer verified to the Senate committee that the concerns were not grounded in fact. In the next general election I am sure the minister will agree that a major change is about to unfold in rural areas throughout Canada when people who have traditionally walked in to vote are asked to prove who they are when the official at the polling booth knows who they are or perhaps is related to them. That is a requirement by law. The requirement to swear a statement acknowledging the penalty that shall be imposed if you are not the person you claim you are I think will be somewhat of an embarrassment to a great many of our senior citizens in these rural areas. That is just a passing comment on Bill C-31.

We will find out after the next general election who is right on this. I stress that perhaps it is not the minister and the government at fault. I am simply giving the minister a way out of this by saying that perhaps it is the fault of the all-party House of Commons committee that do not have that sober second thought present in this place.

Senator Nolin: We will be there.

Mr. Van Loan: Bill C-31 is a very good bill. As one who has to seek election and talks to voters all the time and receives correspondence on this, I can say the most common comment I heard were people complaining to me, "I can't believe they did not ask for any identification when I went to vote. Anyone could have voted in my name." People came to me saying someone already had voted in their name. Those are my personal experiences. To me, that was evidence that people did have a problem with whether they felt there was sufficient integrity in the voting process, and they wanted to see this change.

I think in this case the political parties were right. As to the problems that will occur, the by-elections that took place in Quebec were a good instructive opportunity. The study I will commend Elections Canada to have undertaken was such a good thing to do. There was the urban polyglot constituency of Outremont, the suburban constituency of Saint-Hyacinthe—Bagot, and the traditional, slow-to-change rural constituency of Roberval—Lac-Saint-Jean. There were slices of all the three elements of Canada in terms of the levels of mobilization and mobility. The conclusions were that the identification requirements worked well and smoothly, and Canadians were very supportive of those requirements.

Senator Peterson: In the new bill, can a person registered at a polling station vouch for more than one other voter?

Mr. Van Loan: The bill does not change the previous requirement. This was one of the questions from Senator Baker that I missed, which dealt with multiple vouching. There is still a limitation of vouching for one person. That came in Bill C-31. This bill does not seek to change that.

Senator Peterson: Is there any particular reason why that would be the case?

Mr. Van Loan: The members involved in the procedure and House Affairs Committee that came up with the original report, the drafters of Bill C-31, were concerned that multiple vouching provided a portal for abuse. The concern was how to address a potential abuse. If multiple vouching was permitted, one person intent on committing electoral fraud could do so repeatedly. They were seeking to address that concern.

As I say, our concern here today has narrowed in on addressing the problem of adequate identification for voters in a rural context. The problem was identified to us after reviewing the voters list and some preparation by the Chief Electoral Officer. This is the solution the Chief Electoral Officer has proposed to deal with the issue.

We took the unusual step of having representatives of the political parties meet and consider the draft legislation and make suggestions for changes, if there were any, on how to deal with it. That pre-consultation helped ensure the multipartisan consensus behind this bill. Everyone felt it did the job. They were reassured by the assurances of the Chief Electoral Officer, and that was one of the reasons we were able to deal with it so quickly.

Senator Adams: I thank the minister for appearing before us this morning. The area in which I live would not have street numbers and names for addresses. I remember from the beginning of voting that all we had were names. There were no addresses at the polling stations with the electoral officer. If this bill passes, and even if the polling officers know the person, because they do not have identification with a street number or post office number, they will not be allowed to vote after the bill passes. That will affect my people. That is my question.

Everyone has a name at the polling stations.

Mr. Van Loan: The situation and the problem you describe is exactly what this bill seeks to address. Under Bill C-31, the requirement was established that identification had to have a civic address. As you well point out, where you do not have a civic address, it is pretty hard to have identification that establishes it.

The way the bill is drafted would address the problem you have identified, and that is the problem that gave rise to the drafting of the bill. It creates the solution that would allow folks in that situation to be able to vote.

Senator Adams: This is typical, minister. Some of my people may not even live with other people, but everyone knows who you are. They know you because your name is at the polling station. When you go to vote, the polling officer says, "I know you are a Canadian citizen, but you do not have identification. I am sorry you cannot vote." Will that happen after this bill passes?

Mr. Van Loan: The situation now does require identification, and that identification needs a civic address. If you do not have a civic address, that is a problem. The situation after Bill C-31 passes is if you are on the voters list and you have identification that establishes your name, you will be able to vote. If you are not on a voters list in the situation you have described would be unlikely, because there is not much mobility in the North. However, if that occurred through an administrative error, you would have someone on the voters list who would be able to vouch for you, even though they did not have a civic address on their identification. That seems to be a close match to resolving the problem if your name was left off the voters list.

Senator Adams: If you have a name in Inuktitut, and it is in syllabics, and they do not know you, they may not let you vote. That is one of the difficulties for Nunavut if the bill passes. Some people do not read English. Someone with a difficult name or who cannot read English would not be able to vote.

Mr. Van Loan: If the name and identification is written in Inuktitut, you might want to pose that question to the Chief Electoral Officer to see how they address that. He will be coming here after me. I know they produce election materials in different languages, including Inuktitut.

• (1050)

I do not know if they will accept that identification. That is a question best posed to the Chief Electoral Officer.

With me today are two officials from the Privy Council Office, Mr. Dan McDougall and Mr. Marc Chénier. Mr. McDougall and Mr. Chénier contributed to the drafting of this legislation and advise me on these matters.

Senator Brown: Minister, I will not thank you for coming today, because if you were not appearing today I would have flown home last night.

I am glad you gave me my address back, because I am one of the residents from rural Alberta who was disenfranchised by a super mailbox. I have lived there for 50 years, and it is nice to know I can go home today.

It is nice to know that the other place was remiss and that all parties were involved. It makes me happy that I chose the perfect chamber. The question is will I be able to go home today? Thank you, Mr. Van Loan.

Mr. Van Loan: Thank you, Senator Brown. I know how seriously you take the right to vote. I would like to see the opportunity to do so more often. I strongly support your sentiment. My hope is this bill will pass and become law today, which would give Canadians in a number of ridings the opportunity to vote in by-elections.

Senator Fraser: Minister, welcome. I would like to come back to the coordinating amendments. Section 5 would amend the Canada Elections Act if Bill C-6, which is now before committee in the House of Commons, receives Royal Assent.

I find it inappropriate to use one bill to amend another bill or to amend a third bill that is still before Parliament. Do you see what I mean? If you want something to happen if Bill C-6 takes effect, then why is the amendment not in Bill C-6? Even stranger is section 4, which says that the Canada Elections Act will be amended by this bill if another bill, which does not exist, comes before Parliament and is passed. That seems very strange to me. Why not wait and see if that other bill comes before Parliament and write it accordingly? This seems to be a very strange procedure and not respectful of the normal role of Parliament.

Mr. Van Loan: I will say first, it is actually quite routine to have coordinating amendments; otherwise, later on you would have to bring along another bill to coordinate contradictory legislation.

You would create a lacuna in the law with paralegal interpretation of a difficult nature. It would create inconsistencies and the different application of rules on different days in the event a bill did not pass, took some time in passing during a by-election event, or if those elections were forthcoming.

Coordinating amendments are quite conventional and regular. In a situation where you want to have consistency, you would do it.

Why did we not put them in Bill C-6 and Bill C-16? That is very simple: Bill C-18 did not exist. We are very clever, but we are not able to foresee the future to put those elements into a bill that had neither been introduced nor written.

Senator Fraser: That is making my point, minister. Of course coordinating amendments are a common practice. We see them all the time. These particular coordinating amendments, however, are doing things that surely would be more appropriately done at a later stage of the parliamentary process, when these other bills are under consideration. Bill C-6 is before committee now. Why could the amendment pertaining to it not be made in it?

This other bill does not exist, but if it comes along, why would it not be the appropriate vehicle in which to make amendments to other legislation pertaining to it, as distinct from simply coordinating whatever existing legislation is affected directly by this bill? That is a standard coordinating amendment.

Mr. Van Loan: The difficulty you pose is the classic chicken-and-egg problem. The Standing Committee on Procedure and House Affairs were considering the two bills on the same day. How am I to know in advance which bill will pass first? If either bill passes, how would members of that committee know in which one to put the amendments? Do you swap it out when one bill overtakes the other in the legislative process? You could be swapping amendments back and forth between bills at every stage of the legislative process in the House of Commons and in the Senate. It might help you maintain some partisan purity, but as a practical exercise, it would take up too much time. We would be confused at the end of the process, and would likely make mistakes.

The way it is structured is such that there is no prejudice. If a bill is not adopted, the section is rendered meaningless. It is a practical, workable solution. I think we should simply accept that if we have stuff that works, that is the way we should be approaching drafting law — trying to make things that work.

Senator Fraser: That is a reasonable explanation for section 5. I remain flummoxed by section 4. With that said, I appreciate that we are at the end of the session. It was our side in this chamber that first raised the problem of civic addresses. I agree that the essence of this bill addresses an important problem.

I am aware of parliamentary difficulties if this bill is amended now, but I would like to place on the record that I think section 4 is not the way parliamentary business should be conducted. Thank you.

Senator Tardif: Agreed.

Senator Jaffer: Thank you for appearing before us today. I just have one question. How will a person without a residence be able to vote? Of course, the added challenge is that there cannot be multiple vouching for people, and this may cause issues for a person who does not have a residence.

Mr. Van Loan: The issue you raise is one that was more appropriate for the debate on Bill C-31 rather than the bill we are discussing today. The provision that the Chief Electoral Officer has made in the identification requirements is the attestation process: Attestation from a homeless shelter that the person frequents that shelter, as an example. That shelter becomes their residence for the purpose of voting, both in terms of polling division and constituency.

• (1100)

Senator Jaffer: That is my challenge.

Mr. Van Loan: A principle of residence applies in our electoral law that voters must vote in a constituency. They must establish a place of residence. If they have no residence whatsoever, I do not know where their vote would apply. At some point, even a homeless person must settle on a place of residence. The normal approach, for example, is an attestation letter where someone on a voter's list would vouch for them and say that this person is normally resident, to the extent a homeless person is resident, in this constituency, in this polling division.

Senator Jaffer: The challenge, minister, is that people I work with sometimes do not go into homeless shelters and live on the streets in a certain constituency but do not have a residence. How will we deal with that?

Mr. Van Loan: I think I gave the honourable senator the answer, and that is vouching or attestation. That provision has been provided. I invite the honourable senator to ask the Chief Electoral Officer again, but the issue was discussed and canvassed

extensively when Bill C-31 was considered. It is different than the issue we are dealing with today, which is a limited question of an identification requirement for rural voters who do not have addresses, for whom civic addresses do not exist. Therefore, the requirement for a civic address is impossible to meet or impractical to meet, where that civic address never appears on identification. I will not say that situation never applies to homeless people, but most of the homeless situations we deal with are in an urban context where civic addresses are well established. The person occasionally goes to a soup kitchen and the soup kitchen can provide an attestation letter that would be a civic address. That is easy to establish in the attestation letter and thereby establish residence for the purpose of voting in a constituency.

[*Translation*]

Senator Nolin: I have a supplementary question. Senator Jaffer has raised an issue that I think is fundamental. I realize that our electoral system is based on residency, but guess what: the Charter of Rights and Freedoms includes the right to vote. I think that this is a fundamental public policy issue.

I will rephrase the question. Is the government already considering a public policy to ensure that all Canadians, regardless of whether they have a residence or not, can vote?

[*English*]

Mr. Van Loan: That is exactly the purpose and objective of this legislation. Right now, as the law sits on the books, the Chief Electoral Officer advises us that many Canadians would not be able to meet the test to exercise their right to vote. Through this legislation, we are attempting to ensure that the right, which is a Charter right, as you say, can be exercised by them.

[*Translation*]

Senator Nolin: Unfortunately, that does not answer my question. Your bill is based on residency. My colleague wants to know if there is a public policy that enables Canadians to exercise their right to vote even if they decide not to maintain a residence and to be homeless. Some people do decide to be homeless; it is their choice. Do these people have the right to vote? Yes. Has the government considered a public policy to ensure that these people can exercise their right to vote? That is my question. I do not think the bill addresses that question.

[*English*]

Mr. Van Loan: Those needs were met under Bill C-31. I will restate it. Our whole electoral system is based on residence. Obviously, voters must vote in a constituency. There must be a place of residence. Accommodations were made some time ago for homeless people to vote. The homeless people must establish a residence. It does not mean they are there every day and night; they do not return there. As you know, senators are transient and do not always stay at the same residence every night. It is not that honourable senators are homeless, but, obviously, there are different residences.

A homeless person may be in many different places, but for the purpose of voting, they must identify and select a residence. The practice has been that the residence is often, for example, a place they might frequent to eat, for example, a soup kitchen or a similar social service, or a place where they might stay overnight in a shelter.

What has now proceeded under Bill C-31 and through the implementation by the Chief Electoral Officer are devices whereby they can establish those locations as their place of residence through a letter of attestation from a similar place. If they went to a particular homeless shelter one night in the past two months, they can go to that homeless shelter and obtain a letter of attestation, saying, "Joe Smith, is a person generally without a residence but he has frequented this homeless shelter and this is Joe Smith." He can use that letter to vote.

We saw in the by-elections that 0.8 per cent of the population voting in those by-elections used attestation letters. They could do the same thing from a soup kitchen. A provision has been provided.

Similarly, if I have a residence, and I see someone down the block from me every morning when I walk to work, I can vouch for him and say, "That is the guy who is always on this block. I know him, we chat and his name is Joe Smith."

That vouching for him would allow him to vote. The provisions exist for them to vote and protect their Charter rights.

Senator Nolin: This is my final supplementary question. Are you aware whether the Chief Electoral Officer is organizing a survey to give some meat to what you said?

[*Translation*]

I would like to see the Canada you have described, but I do no think that is how things work. How many times in your life have you walked down the streets of Vancouver? A lot of Canadians live there even though they do not have an address.

How many of those 12,000 people exercise their constitutional right to vote every time there is a federal election? I would like to know. Has any kind of inventory, analysis or research been done to ensure that the government is taking appropriate action?

[*English*]

Mr. Van Loan: The specific research I am aware of is from the review of the by-elections dealing with the identification requirements under Bill C-31. Under that research, we found 0.8 per cent using attestation, and 1 per cent being vouched. Those fail-safe mechanisms for those who do not have identification or utility bills, lease or a driver's licence were used to establish identity for almost 2 per cent of the population in those by-elections.

That study is the only one I am aware of, after Bill C-31. That was the only opportunity to study its use since Bill C-31 was passed. It establishes that the devices available satisfy the test you are looking for. Short of gutting any requirement that people show identification, it is a reasonable balance that achieves what you are seeking, which is protecting people's Charter right, while at the same time ensuring there is not an open door to electoral fraud, which the political parties were all concerned about.

There is that other side of the equation, namely, creating a system where electoral fraud is facilitated with no effective way to stop it.

• (1110)

That is one of the problems with some of the retrospective studies where people have suggested there was fraud. It is hard to establish where the test is simply that you say who you are, or that you live somewhere and you put it on the voters list and you never have to prove anything. It is difficult because you cannot ever inquire beyond that.

If electoral fraud occurs, then everyone who is voting has their Charter right to vote violated, because their vote is diminished every time someone votes illegally. We have to be respectful of the Charter right that when you vote, your vote does count and does matter, and is not debased by fraud by others.

[*Translation*]

Senator Nolin: Since we are talking about electoral fraud, do you have any data? When Bill C-31 was being examined, you were asked for data and you replied that you did not have any. I no more wish there to be fraud than you do, but I would like to know whether these are isolated incidents or part of a growing problem.

[*English*]

Mr. Van Loan: This is a difficult question to assess. There was a study done in the case in Trinity—Spadina where the New Democratic Party believed the Liberal Party was engaged in widespread inappropriate practices. Was it the other way around? It was one or the other. The conclusions of the study were that widespread evidence of electoral fraud could not be found. As I say, under the requirements, it is very difficult to establish fraud. Most of the occasions of fraud we hear about are anecdotal.

My view is that complaints have much to do with the confidence that voters have in the system. I am asked a number of times, "Why do I not get asked for ID?" or "Why was my name already off the list when I went to vote? Somebody voted in my name." Those things have been asked of me quite often and I have only been a candidate in two elections. I have been asked frequently enough that I know there is uneasiness. I receive correspondence asking that we go farther, that people want a test to show proof of Canadian citizenship to be able to vote. To walk around with proof of Canadian citizenship is not something many people do.

That is something that the parties and the government resisted doing in Bill C-31 and do not plan to do at this point, but there is broad sentiment on that side of the equation as well.

[*Translation*]

The Chair: Honourable senators, I would like to point out that time is running out and we have other witnesses to hear.

[*English*]

Senator Kinsella: Mr. Chair, I will be brief because some of my questions have already been canvassed by other honourable senators.

This kind of legislation for me is always extremely important because it speaks to the right to vote of Canadian citizens. As we all know, only three of the rights that are enumerated in the Canadian Charter of Rights and Freedoms are specific to Canadian citizens. The right to vote is a right of a Canadian citizen; the right to leave Canada and return to Canada is a right of Canadian citizens; and certain minority education rights are rights of Canadian citizens.

That having been said, minister, in our dialogue this morning, I ask you to confirm or reject that this bill will make it easier for Canadian citizens to access their right to vote.

Mr. Van Loan: That is exactly the case.

Senator Kinsella: Further, minister, will government directly or is it the expectation that the Chief Electoral Officer will conduct a public education program so that Canadian citizens will learn what to expect prior to arriving at the poll? Many of us have heard horror stories of what has happened in past elections of being asked for ID and not having the right ID, with everyone in the polling station calling the person by his or her first name.

Will there be a public education program to make Canadians aware of what to expect and how to handle this? If so, whose responsibility will it be? Will it be that of the government or that of the Chief Electoral Officer?

Mr. Van Loan: Thank you very much for the question. On the first question, yes, absolutely, the purpose of this bill is to facilitate the exercise of the right to vote by people who, under the current system, will face problems doing that. We are trying to ensure that their Charter and constitutional right to vote is protected.

Many of the questions I have been asked are, as I say, beyond the scope of the bill that is before us and go back to the original Bill C-31. The bill before us deals simply with expanding the approach on establishing identification for those without civic addresses.

In terms of the communications efforts, there was a campaign conducted in the by-elections with regard to the requirement to show ID. It has been evaluated in the study. The conclusions of the study, which was conducted by Environics, was that most electors felt well informed. Materials achieved good reach and recall.

The observation I make on that was that this was in the context of by-elections. You do not have the same kind of budget you do in a general election to communicate these things, and you are targeting to a narrower market. In the case Outremont, you were dealing with a constituency in a large urban market. That success is a positive thing. That most voters felt they were well informed is positive.

In terms of what works, overwhelmingly it was the voter information card that was mailed to people's homes that is the most effective, because many people, when they decide to vote, read that document and ensure that they bring their identification. They look to see what identification they need to bring and come prepared. That bore itself out, according to this study, in practice.

Senator Kinsella: There is a public interest in having as high a turnout level as we can possibly achieve. Minister, I take it your view is that it is in the public interest for Canada to have as high a turnout level as we can have in our elections; is that correct?

Mr. Van Loan: Absolutely; that is the view of this government. That is partly what this bill is designed to facilitate, though this bill is really designed to facilitate people having the ability and the right to exercise their right to vote; so it is somewhat more narrow than that. It is not voter turnout; it is to allow the people who want to vote, who have the right to vote, to be able to vote, so it is even more basic than that.

Bill C-16, the expanded voter opportunities bill, was designed to enhance voter turnout by creating more opportunities for people to vote through additional advance polling days. The advance polling day immediately before Monday, election day, that would be in every polling station where there would be a poll the next day has unfortunately been deleted by the three opposition parties at committee. I encourage anyone in this chamber who has a sincere and genuine interest in increasing voter turnout to encourage their colleagues in the House of Commons to consider at report stage reversing that alteration and to restore the additional advance polling day. We will then be able to see an increase in voter turnout, which I think is in everyone's interest, not just because that is a good thing for confidence in our electoral system but because it results in a society where all Canadians, all citizens, feel a greater stake and greater ownership in what is taking place, and that sense of community attachment builds stronger communities and a stronger society and is something that we should all be working towards.

Senator Moore: I begin by saying that I, for one, do not appreciate your snide comments about the Senate and those who work here.

I want to pick up on the questioning of Senator Fraser. You mentioned that these two subsections do not come into effect until Bill C-6 receives Royal Assent. Of course, that has not arrived here, and I do not know the status of it in the House of Commons.

• (1120)

Mr. Van Loan, you mentioned earlier that you are hopeful that Bill C-18 will pass in order for it to be available for the impending by-elections. However, Bill C-6 will not be received in the Senate until some time after the Christmas break. I am thinking about time.

The sections you are trying to put into place would not be available for the by-election, would they? I suppose it depends on the dates, but on the face of it, it looks like that which you are trying to gain will not be available until Bill C-6 receives Royal Assent.

What do you think the timing of that bill will be?

Mr. Van Loan: You are correct; Bill C-18 has certainly overtaken Bill C-6 in the legislative process, so the coordinating amendment obviously would not take effect until Bill C-6 passed, and that will not happen before the coming round of by-elections.

That being said, there is nothing in that coordinating amendment that would have any consequence as a result. It is kind of like an appendix in the human body; it might perform a role one day, but it is of no consequence, positive or negative, absent Bill C-6.

Senator Moore: I thought the aim was to get this provision in place for the by-election, but I guess it is not.

Mr. Van Loan: To clarify, the main essence of the bill will be in place and is very important for those by-elections, that is, the alternate identification procedures. The portion in clause 5 that would amend Bill C-6 obviously would not have any effect for the purpose of those by-elections.

Senator Cook: Welcome, Minister and officials.

I wish to make an observation on the issue of homelessness. The homeless population is, as we all know, a very vulnerable population. I believe that vouching for who they are and where they live can be exploited.

A person lives in shelter "A" tonight or tomorrow, and someone in the shelter is authorized to vouch for who this person is. There is nothing to prevent that person from being registered at another shelter. Even in my home city of St. John's there are multiple shelters.

There must be stringent rules to protect the vulnerable homeless population as well as those who live in boarding houses. There should be some mechanism to prevent the exploitation of those people.

Mr. Van Loan: That is a genuine concern and is one that gave rise to the requirements in Bill C-31 for voter identification. When this issue was addressed, there was a concern that a vulnerable population was being exploited and, in some cases, encouraged to do things that might be illegal, such as voting multiply. The hope is that a responsible official at a shelter would not engage in such activity.

Senator Cook: This is key. Often shelters are run by volunteers who genuinely do not know, so the onus will be on the Chief Electoral Officer to put in safeguards or a time frame to ensure that does not happen. We must balance the right of everyone to be eligible to vote.

[*Translation*]

The Chair: Mr. Minister, on behalf of all senators, I thank you for coming today and helping us with our deliberations on Bill C-18. I would also like to thank the officials from your department.

Senator Comeau: Honourable senators, Marc Mayrand, Chief Electoral Officer, is ready to appear. Are you ready to hear him?

The Chair: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Chair: Mr. Mayrand, I am pleased to welcome you to the Senate. I invite you to make your opening statement.

Mr. Marc Mayrand, Chief Electoral Officer: Thank you, Mr. Chair. I would like to introduce Rennie Molnar, Senior Director, Operations, Elections Canada.

I am pleased to appear before the Senate to discuss Bill C-18, to amend the Canada Elections Act, concerning verification of residence. This bill will allow voters in rural and northern regions of Canada to establish their place of residence before voting.

Bill C-18 responds to the concerns I had raised to the Leader of the Government in the House of Commons and the Minister Responsible for Democratic Renewal, as well as the Chair of the Standing Committee on Procedure and House Affairs in October 2007.

Since that time, Elections Canada has been working closely with the government to develop the proposal submitted here today. We certainly appreciate how promptly this matter has been addressed.

The bill tackles two problems. First of all, a large number of voters, estimated at one million, do not have a civic address. The majority of these voters live in the Prairies, Newfoundland and Labrador, and in the three territories. Second, many voters in those same regions use a mailing address on most of their pieces of identification, even if they have a civic address. In either case, these voters could not likely produce proof of residence before voting, as required by the Canada Elections Act.

• (1130)

Furthermore, they could not ask another voter from the same polling division to vouch for them, since their neighbours will be in the same position.

[*English*]

Bill C-18 provides that electors with no civic address or with pieces of identification that have a mailing address instead of a civic address can establish their residence if the information on their piece of identification is consistent with the information that appears on the list of electors.

In this regard, Bill C-18 builds on and uses information contained in the list of electors for each polling division. As you probably know, the list contains the names of the electors residing in that division and their physical address, as well as their mailing address, if it is different from the physical address.

In cases where the deputy returning officer, poll clerk or a candidate's representative has reasonable doubt regarding an elector's residence, the elector will be asked to take an oath as to his or her residence.

Electors who have not registered before polling day could be vouched for by registered electors in the same polling division who can establish their residence using the process described earlier. When vouching occurs, both electors will be required to take an oath as to their residence.

As indicated in my letter of November 28 to the minister, I am satisfied that the changes being proposed in Bill C-18 would provide the necessary flexibility to resolve the particular challenge facing electors in rural and northern areas. As a result, they will be placed on the same footing as electors of other regions of the country.

In closing, honourable senators, I wish to express my full support for Bill C-18. I hope that it becomes law in the very near future.

[*Translation*]

Senator Tardif: A few moments ago, the minister said that Elections Canada did not provide the right information to allow him to realize there was a problem related to this missing information. Is that correct?

Mr. Mayrand: My predecessor and I, when we appeared before the committee studying Bill C-31, pointed out the difficulties inherent in proving residence, which is a new concept in Canadian elections. We had noted the possibility that a number of electors would not have adequate proof of identification to establish their residential address. At the time, we felt that by giving returning officers discretionary power to authorize certain identification documents and by using a vouching system, most situations could be resolved.

Once the bill had passed, we began preparing for a possible election. During the staff training sessions in western Canada, we realized none of the 15 people in the room was carrying identification documents that met the requirements of Bill C-31. Accordingly, we did a more thorough analysis of the situation. These analyses showed that roughly one million electors do not have a civic address and therefore no documentation that can establish their place of residence.

Senator Tardif: In your opinion, could Bill C-31 have resolved those problems if your recommendations had been followed?

Mr. Mayrand: We would have liked to spend more time looking at the issue of proof of residence. I understand that Parliament at the time wanted this issue to be addressed and more rigorous requirements to be implemented, as far as identification is concerned, in order to ensure the integrity of the vote. Unfortunately, it was not until later that the full extent of the problem was realized.

The phenomenon that brings us here, in the study of this bill, is the following. It was noted that entire communities did not have civic addresses. We thought that a vouching system could resolve the foreseeable problems. Then we realized that no one — in an entire polling division — would have the proper documentation.

Senator Tardif: Are you convinced that this bill will correct the bulk of the problem?

Mr. Maynard: Yes, I believe it will.

[*English*]

Senator Baker: I wish to thank the witness for appearing today and to congratulate him for the way he has handled himself in his office as it relates to these matters.

My first question relates to how we got where we are today. Of course, it all originated with Bill C-31, which the minister said was the product of an all-party committee of the House of Commons. The witness will recall that he appeared before the Senate committee, at which time the Senate committee expressed

great concerns about these matters that are now under discussion and which prompted the introduction of this bill to correct a problem that had been instituted by the enactment of Bill C-31.

The reason for Bill C-31 and the reason for this concern for identification of voters at the polling booth arose because of alleged voting by persons who were not eligible to vote as it was alleged. One of the instances raised was that of several thousands of people who had voted in the last general election in, I believe, the district of Spadina.

Did the Chief Electoral Officer investigate this irregularity thoroughly to verify that the complaints that were made of illegal voting actually took place? Furthermore, when there is a complaint or example raised with his office regarding the possibility of persons voting who were not legally able to vote in that polling booth, does his office investigate those complaints or those instances that arise? What has been the result of the Chief Electoral Officer's investigation of those thousands of alleged incidents? I think the figure was 11,000, if my memory serves me correctly. Did his office investigate each one of these cases? What was the result? What was the result of the investigations of the complaints regarding illegal voting in the past?

Mr. Mayrand: The matter that is being referred to here is with regard to Trinity—Spadina, a major urban riding in the area of Toronto, where, in the last general election, there was a significant number of electors who registered on polling day. In fact, over 10,000 electors registered on polling day. That raised several allegations about the legitimacy of the votes cast by those electors registered on polling day.

We did an extensive investigation and reviewed each and every one of the 10,000 cases. We were able to trace the electors and relate them to an address and determine that they did vote and voted appropriately at the proper polling station. Only two cases out of those 10,000 cases are still under investigation, where there is doubt about whether or not the vote cast by those two individuals was legitimate. This investigation is continuing as we speak today.

• (1140)

Senator Baker: Can you address the remainder of my question? In each and every instance, does your department investigate complaints? What was the general result of those investigations in the past relating to this matter?

Mr. Mayrand: We review each and every complaint and trigger proper investigation, given the nature of the complaint submitted.

In the last general election, we received what I consider a rather small number, 383 complaints for the whole country. Out of those complaints, only one led to a compliance agreement; someone who voted while not eligible to do so.

Senator Baker: To sum up, there does not appear to be reasonable grounds to suspect, or reasonable grounds to believe that the old system we had in this country prior to Bill C-31 was deficient in this respect at all.

Mr. Mayrand: As I indicated in previous appearances, there is no evidence of systemic fraud or systemic abuse of the electoral process at the federal level in this country.

Senator Baker: What we have, then, is a new system where people will now be confronted with a protocol of presenting proof that they are who they claim to be. First, they must present a photo ID, government-sponsored, or two other pieces of identification, or a swearing of someone attesting to who they are. Then, they must swear an oath saying that they are not violating the law. Then the penalty is explained if they are violating the law, as, I think, a requirement of the act in those swearing instances. We have this whole new system.

Let me ask you the logical question. Of the 10,000 people who registered only on polling day in Trinity—Spadina, after investigating who these people were and finding out they were legitimate voters, except for two, whose instances you now say are continuing under investigation, how many of those 10,000, after the passage of Bill C-31 and this bill, would not be expected to vote at all under our new laws? Would you have any opinion on that? Can you give us an approximate figure? If you feel you cannot because of your position, we are, of course, not commanding you to do so, although, under section 118 of the Criminal Code, this is a judicial proceeding.

Mr. Mayrand: It would be difficult to project the impact of Bill C-31 on previous events.

One thing we should remember, however, is that if voters register on polling day, even under the previous legislation, they needed to establish their identity and residence. They were required to produce documents evidencing their name and address so they could be assigned to a polling station and vote in the proper section, unless they were vouched for. Again, if vouching was available, there were still written declarations and oaths taken that allowed us to track people afterwards.

Senator Baker: In other words, we do not have any evidence at all, and no studies have been done, that would project the decrease in the numbers of voters in Canada under this new regime compared to those who would normally vote under the old regime. Taking both of the regimes into account, one would have to conclude that fewer people would vote in Canada under this new regime than would have voted under the old regime. Do you wish to comment on that?

Mr. Mayrand: Some electors may be truly challenged or, given their circumstances, may not be able to meet the proof requirements of Bill C-31.

Senator Baker: Thank you.

Senator Cook: Thank you for appearing today. I am thinking of a rural community in my province of Newfoundland and Labrador. I have, before me, the conditions for electors who are not registered. If I heard your opening statements correctly, you said that where the elector is known to the officials, that is okay. Did I hear you say that?

Mr. Mayrand: No, I do not think so.

Senator Cook: I thought I heard you say that when persons present themselves, if they are known to the District Returning Officer, DRO, that is okay. The answer is no, so your officials are passive?

Mr. Mayrand: An elector can be vouched for by another elector, not by electoral staff.

Senator Cook: I understand that here. However, in this operation, your officials are passive. Even though they know Ms. Smith or Aunt Suzie up the road, they are passive.

Mr. Mayrand: They still need to see pieces of identification.

Senator Cook: I heard you wrong. I am sorry. Thank you.

[*Translation*]

The Chair: Honourable senators, I would like to point out that time is moving on, and I invite you to ask specific questions. I also invite our witnesses to give answers that are brief and to the point, as they are currently doing, for which I thank them.

[*English*]

Senator Jaffer: I have a simple question. How will you instruct the people who work for you to ensure that people who have no residence are able to vote?

Mr. Mayrand: That problem existed even prior to this legislation. Again, the approach under Bill C-31 is that administrators of shelters can issue a letter of attestation, attesting that this individual resides at the shelter or some area close by. That letter constitutes evidence of residence for the purposes of voting. The elector still needs to provide another piece of identification establishing their name.

Senator Jaffer: The minister said — and time was running out so I did not have an opportunity to ask him about it — that voters cannot vouch multiple times, so who in the shelter can say this person lives in the shelter? The manager is able to vouch for only one person. How will we deal with that?

Mr. Mayrand: We need to distinguish between vouching and a list of authorized identifications. I did not bring it with me today, but there is a list of authorized pieces of ID. One of those pieces is an attestation letter from the administrator of a shelter, a person in authority at the shelter. Normally, through the returning officer, we would distribute those forms to administrators in the week prior to the election. The administrator would fill in the form and attest that so-and-so has resided or is residing at the shelter. That form would constitute one piece of identification for the purposes of voting.

Senator Jaffer: The administrator would be able to do that for many people?

Mr. Mayrand: Yes, for all residents in the shelter.

Senator Jaffer: I must put on the record, as a Muslim woman, that the leadership you have shown on the issue of the veil is much appreciated. Thank you.

[*Translation*]

Senator Dallaire: Does Bill C-18 make any change to the rules governing voting by military personnel when they are on operations in the field?

Mr. Mayrand: No, there is no change to these rules.

Senator Dallaire: By their very nature, these two bills seem to be making the process much more complicated, which may be cause for concern.

• (1150)

Do you have statistics about people under 30 who exercise their right to vote or who could do so? In your opinion, could this process cause a drop in the youth turnout rate? Because one part of the bill has to do with how to encourage them to vote technically and not just politically.

Mr. Mayrand: In terms of statistics, we know that not quite one out of two young people exercises his right to vote. At least, that was the case in the 2006 general election.

By young people, I mean those between the ages of 18 and 24. The turnout rate has, however, increased compared to the previous general election. In terms of complexity, establishing residence and identity can become a problem, especially for those turning 18.

However, we estimate that with the list of authorized pieces of ID — for example a report card — they will nevertheless be able to meet the requirements of the bill and exercise their right to vote.

Senator Dallaire: Could you tell us the percentage of Canadians aged 18 to 30 who can vote, and the percentage of those who actually exercise their right to vote?

Mr. Mayrand: Absolutely. I will have that information sent to the committee.

[*English*]

Senator Moore: I wish to clarify the matter of vouching. Is it correct that the person who is vouching must be a registered voter in that particular polling district?

Mr. Mayrand: Yes.

Senator Moore: Can they vouch for only one person?

Mr. Mayrand: Yes.

Senator Moore: If I am that person and I am vouched for and I am a registered voter in that district, can I vouch for someone else?

Mr. Mayrand: No.

Senator Moore: Why not?

Mr. Mayrand: A specific provision of Bill C-31 limits the vouching only to the elector that is already registered on the registry.

Senator Moore: I have been vouched for and now I am registered. I am as qualified as anyone else. Why can I not vouch for someone else?

Mr. Mayrand: There is a direct prohibition in Bill C-31 for that.

Senator Moore: I heard you say that, but that does not tell me why. I do not think it is right. The person is a Canadian citizen, has gone through the process and is registered at the polling station.

Mr. Mayrand: There was a perception that such a practice that existed in the past could lead to abuses. I believe there were concerns that it undermined the integrity of the process, so the rules regarding vouching were severely constrained through the amendments in Bill C-31.

Senator Moore: Were there studies or investigations? Were there documentations of abuses? I look at the situation in Spadina and I think it is remarkable. There were 10,000 voters, a number of them were probably vouched for, and only two are still under investigation. The others are okay. I think that is something. Canadians respect this right.

Mr. Mayrand: Yes, there are few cases of demonstrated abuses of the voting process.

Senator Moore: I do not know why, then, we have a prohibition.

Mr. Mayrand: We may have a disconnect between perception and reality at times. Again, there is no evidence of systemic fraud, but there is still a perception that the system can be abused easily. I think that perception is what was driving Bill C-31 largely.

Senator Moore: Clearly, Trinity—Spadina shows that it was not abused. In the example raised by Senator Baker of Trinity—Spadina, the system was not abused.

Mr. Mayrand: No.

Senator Moore: I have one other point. I am concerned about being able to vouch for only one person. I am particularly concerned in the remote areas. If people must travel for an hour or more to a polling station, whether it is in the North or Newfoundland and Labrador, and they do not have an ID and they are there with their family, only one of them can be vouched for. Do we think they will go back home for an ID and come back again to vote? I am concerned that we will lose those voters; they will not do that because of this new process. Do you have any concerns about that?

Mr. Mayrand: Any concern? Certainly, that is why in the recent by-election we had a massive information campaign to electors and their households. Leaflets were delivered to every address in the ridings to ensure electors were made aware of the new requirements for identification.

We also tried to locate the polling station as close as possible to electors and minimize the time. However, we cannot track whether an elector who does not have the required documentation comes back afterwards.

Senator Moore: Are those information pieces that are sent to the homes — I am thinking primarily in the North — printed in the language of the inhabitants?

Mr. Mayrand: The documents are available in 15 Aboriginal languages and also, I believe, in 23 ethnic languages across the country.

Senator Moore: Are they distributed in the language of the household?

Mr. Mayrand: Yes.

Senator Moore: Is that true for Nunavut, the territories, and Labrador?

Mr. Mayrand: Yes; it is also available electronically.

[*Translation*]

Senator Dallaire: Are you involved in the program to assist other countries in their electoral processes? Are you involved in the education process or supervision of elections in other countries?

Mr. Mayrand: We are occasionally involved in such activities, providing training and assistance for the development of electoral systems. We are also involved in observation missions.

Senator Dallaire: Would you recommend to the people of those countries that they maintain their old system or adopt the new system?

Mr. Mayrand: We are learning that we cannot impose our values and our systems on other countries. We must ensure that they are really tailored to suit the society we are assisting.

In Canada, we really could astonish the rest of the world with our electoral system based on trust: we allow voters to show up on election day, simply state their name and address, and be able to vote. Bill C-31 shifted that balance, but the system is still based on trusting voters.

Everything depends on each emerging democracy. Their system must evolve before it can be inspired by the Canadian model as we know it.

Senator Nolin: We had an interesting discussion with the minister a little earlier, somewhat off the topic of Bill C-18, but related nevertheless to this desire to allow more Canadian citizens to access and exercise their right to vote. This also relates somewhat to Senator Jaffer's concern regarding what to do about homeless people.

• (1200)

Do you intend to follow up on this to try to understand what goes on in this area, which is not well understood, without passing judgment on these people? I know it is not easy to conduct surveys of people in that community. I think the government should try to understand the dynamics of these special communities and see how people in them exercise their right to vote. That is one of your responsibilities.

Have you conducted this kind of study or do you have any relevant data?

Mr. Mayrand: We have very little data. The work we do is carried out beforehand. During elections, we have community officers in the ridings who are responsible for making contact with homeless people and homeless shelters. We make an effort to communicate with the people in charge of shelters and with the residents themselves. We disseminate ads and information to make it easier for them to exercise their right to vote.

As to how many actually do vote, we cannot really conduct a survey or do any follow-up because these people are, by definition, very mobile. When they do vote, we do not necessarily know that they are homeless, unless we get the letters of attestation provided for under the new system.

Senator Nolin: With all the trouble we have gone to to ensure that everyone has the right to vote —

Mr. Mayrand: We could perhaps hold more consultations with shelter administrators who might be able to suggest the best way to help these people.

Senator Nolin: Given that Bill C-31 was based on a false premise — we did not really have a problem with identity theft or electoral fraud — we should at least make an effort to find out what is going on with homeless people. I am sure that you understand the scope of the problem. It is complex, but we should make an effort to reach these people, not only during elections, but also to find out if we are doing enough to ensure that they can exercise their rights.

[*English*]

Senator Adams: I live in the North, in Nunavut. At the beginning of your brief, you said you had difficulty with some of the territorial areas. I questioned the minister earlier. In the community where I live, some of your staff, the electoral officers, know most of the people in the community, some of whom have no address or identification. This is the case for many voters in the community. They usually have a name, and those over 18 years old are allowed to vote. If they do not have a registration card or driver's licence and no post office number, what will happen if Bill C-18 passes?

Mr. Mayrand: With Bill C-18, the place of address to receive mail or communication will be sufficient to establish residence in the community. I expect that Bill C-18 will allow Nunavut electors the same rights as other electors across the country, with the same opportunity to cast their vote.

Senator Adams: For those who register, will this information be only at the polling station, or will it be available from the Government of Canada? Revenue Canada is sometimes looking for these people and their addresses for income tax purposes. As soon as they register, will the information go everywhere in the government? If a person registers and the government finds out if they owe money to Revenue Canada, then they can find you. It sounds that way in the bill.

Mr. Mayrand: I am not sure if I understood you correctly, but the information we collect on electors is not shared with other departments. The information remains with Elections Canada.

I am not sure if that answered your question.

Senator Adams: Yes. What if Revenue Canada receives that information and then finds the person?

Mr. Mayrand: We do receive some information from Revenue Canada, but no tax information. It is simply name and address, and only if the taxpayer agrees, of course.

Senator Keon: It seems to me that a tremendous amount of expense and time could be avoided with the establishment of a single Canadian identifier linking identity to residence, whether this is a modified passport, a modification of the Social Insurance Number or whatever. There are many identifiers, and they are proliferating like flies now. The majority of Canadians live along the border and need some kind of Canadian identifier to move back and forth. Why has there not been thought given to this issue?

Mr. Mayrand: There was some discussion at the House committee level with regard to having a national voter identification card. After some consideration, that option was rejected by the committee at the time.

Senator Keon: It does not matter that it was rejected by the committee. I think it is something that Elections Canada could give some momentum to. There is a real need for it.

Senator Baker: Bill C-31 gave the Minister of National Revenue permission to put a statement in two lines with a check-box on the income tax return. Prior to Bill C-31 being passed, was that question on the individualized income tax returns of Canada?

Mr. Mayrand: Yes.

Senator Baker: If it was, does that verify that what Revenue Canada was doing prior to that was contrary to law?

Mr. Mayrand: No, the change brought about by Bill C-31 was an addition to the form to allow confirmation of citizenship, which was not there before.

Senator Baker: What was there before?

Mr. Mayrand: Confirmation of name and address. The taxpayer was allowing Revenue Canada to transfer information regarding name and address.

Senator Baker: What is on there now?

Mr. Mayrand: Name, address and citizenship. It is the new element where the taxpayer confirms that he or she has Canadian citizenship.

Senator Baker: Am I correct that after Bill C-31 was passed, Revenue Canada included "and citizenship"?

Mr. Mayrand: Yes.

Senator Baker: Was this not included prior to the passage of Bill C-31?

Mr. Mayrand: The citizenship question was not included prior to passage of Bill C-31, correct.

• (1210)

[*Translation*]

Senator Corbin: Mr. Mayrand, I would like more details concerning information you provided earlier about certain documents available in 35 foreign languages, if I understand correctly, and 50 Aboriginal languages.

Mr. Mayrand: Those documents are available in 15 Aboriginal languages and 25 foreign languages.

Senator Corbin: Thank you for clarifying. My question may not have anything to do with the subject matter of the bill before us, but I would really appreciate your sending me — by mail, not by email — information about how this practice was developed, which documents are printed in various languages, how the practice has changed over the years, and why.

As far as I am concerned, Canada has two official languages, but I recognize, personally — and I have been trying to persuade my colleagues to recognize it, too — that Aboriginal peoples have rights that go back to long before the provisions of the Canadian Constitution went into effect. That would help me go forward with some issues I submitted to the Senate a few years ago. I would find it very useful were you to send me a complete file on this aspect of Elections Canada's linguistic practices.

Mr. Mayrand: It would be my pleasure. I will send you the relevant information.

Senator Corbin: Thank you very much.

The Chair: Thank you, Mr. Mayrand. You have certainly helped us in our deliberations on this bill.

Mr. Mayrand: Thank you, Mr. Chair.

[*English*]

The Chair: Honourable senators, is it agreed that we move to clause-by-clause consideration of Bill C-18, an act to amend the Canada Elections Act, verification of residence?

Hon. Senators: Agreed.

The Chair: Carried.

Shall the title stand postponed?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 1 carry?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 2 carry?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 3 carry?

Hon. Senators: Agreed.

The Chair: Carried.

[*Translation*]

The Chair: Shall clause 4 carry?

Hon. Senators: Agreed.

The Chair: Carried on division. Shall clause 5 carry?

Hon. Senators: Agreed.

The Chair: Carried on division. Shall the title carry?

Hon. Senators: Agreed.

The Chair: Carried on division. Shall the bill carry without amendment?

Hon. Senators: Yes.

The Chair: Carried on division. Shall I rise and report the bill?

Hon. Senators: Agreed.

The Chair: Carried.

[*English*]

Senator Fraser: For the record, I would like to note my abstentions on the last two votes.

[*Translation*]

The Chair: Honourable senators, they will be noted.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Fernand Robichaud: Honourable senators, the Committee of the Whole, to which was referred Bill C-18, An Act to amend the Canada Elections Act (verification of residence), has examined the said bill and has directed me to report the same to the Senate without amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move that the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

Friday, December 14, 2007

Mr. Speaker,

I have the honour to inform you that the Honourable Marshall Rothstein, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, will proceed to the Senate Chamber today, the 14th day of December, 2007, at 1 p.m., for the purpose of giving royal assent to certain bills.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 14, 2007, moved:

That Committees be authorized, pursuant to Rule 95(3)(a), to meet between Monday, December 17, 2007 and Monday, January 28, 2008, inclusive, even though the Senate may then be adjourned for a period exceeding one week, provided that both whips have given approval.

Motion agreed to.

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON GOVERNMENT POLLING TABLED

Leave having been given to revert to tabling of documents:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before moving another motion, I would like, with leave of the Senate, to table a document that was referred to yesterday, entitled *Public Opinion Research Practices of the Government of Canada*, the report by Daniel Paillé.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move that the sitting be suspended to the call of the chair. There will be a 15-minute bell.

The Senate adjourned during pleasure.

• (1300)

ROYAL ASSENT

The Honourable Marshall Rothstein, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Deputy of her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Canada-United States Tax Convention Act, 1984 (*Bill S-2, Chapter 32, 2007*)

An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (*Bill C-15, Chapter 33, 2007*)

An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007, and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007 (*Bill C-28, Chapter 35, 2007*)

An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005 (*Bill C-12, Chapter 36, 2007*)

An Act to amend the Canada Elections Act (verification of residence) (*Bill C-18, Chapter 37, 2007*)

The Honourable Royal Galipeau, Acting Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (*Bill C-35, Chapter 34, 2007*)

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of was resumed.

• (1310)

[*English*]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, one advantage of having almost the last word is to have the opportunity, on behalf of both sides, to extend our warm and best wishes for a happy new year. When we come back, hopefully we will all be rested.

On behalf of my colleague, Senator Tardif, to everyone associated with the Senate on both sides — administration, staff, interpreters, table officers and everyone in between — all the best in the new year.

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, January 29, 2008, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Tuesday, January 29, 2008, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Friday, December 14, 2007

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21	07/12/14	32/07
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29	07/12/12	Legal and Constitutional Affairs					
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs					
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce	07/12/13	0 observations	07/12/13	07/12/14	36/07
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs	07/12/11	6 observations			

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
C-35	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (*Appropriation Act No. 3, 2007-2008*)	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-38	An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River	07/12/12	07/12/12	Committee of the Whole	07/12/12	0	07/12/12	*07/12/12	31/07

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples					
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade					
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance					
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27		
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0	07/12/11		
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs					
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13 Report amended 07/12/13	19	07/12/13		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31							
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance					
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0	07/12/04		
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28							
S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04							
S-223	An Act to amend the Non-smokers' Health Act (Sen. Harb)	07/12/04							
S-224	An Act to amend the Parliament of Canada Act (vacancies) (Sen. Moore)	07/12/13							
S-225	An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	07/12/14							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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